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SEA

SERVICE DATE – MARCH 16, 2009

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-290 (Sub-No. 300X)

**Norfolk Southern Railway Company – Abandonment Exemption – in
Wise County, VA**

BACKGROUND

In this proceeding, the Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Wise County, VA. The line extends approximately 1.81 miles from milepost 277.30 (Big Stone Gap) to milepost 279.11 (Appalachia) (the Line). A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Line meanders through a hilly rural area and crosses the Powell River in two locations (with bridges at mileposts 277.90 and 279.00). The Line right-of-way generally extends 50 feet wide on either side of the main track centerline. According to NSR, the Line was opened in 1891 and was last used to carry coal. No traffic has originated, terminated or moved overhead on this segment for at least two years. The proposed abandonment would therefore not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

ENVIRONMENTAL REVIEW

NSR submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. NSR served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)].¹ The

¹ The railroad's environmental and historic reports are available for viewing on the

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Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

NSR did not provide any opinion regarding the suitability of the Line for any future public purposes. However, NSR states that LENOWISCO (Lee-Norton-Wide-Scott Planning District Commission), a local government consortium, has expressed an interest in acquiring the Line for use as a trail. The railroad states that it is unsure as to whether it has fee title to the entire Line right-of-way; therefore, NSR may not have a contiguous corridor available for a trail or other public uses.

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of bridges or other structures that may be present on the rail right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

NSR states that it intends to salvage the Line following abandonment but that it does not plan to appreciably alter or remove the road bed during salvage operations. NRS also does not plan to conduct any dredging or fill activities that would affect the surrounding water quality. NSR has requested consultation with both the Virginia Department of Environmental Quality and the Army Corps of Engineers regarding potential water impacts. No responses have yet been received from either agency.

NSR indicates that the proposed salvage activities will have no detrimental effects on public health and safety. There are no grade crossings along the Line that would need to be removed and there are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

The National Geodetic Survey (NGS) has advised SEA that six geodetic station markers have been identified that may be affected by the proposed abandonment. Accordingly, SEA recommends a condition that requires NSR to consult with and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy the geodetic station markers.

According to NSF, the Line is not located within or near any state parks or forests, or wildlife sanctuaries and thus no impacts to such resources would occur as a result of the proposed abandonment.

The United States Natural Resources Conservation Service provided written notice to NSR indicating that the area of the proposed abandonment does not contain prime, unique, statewide, or local important farmland.

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Board's Website at <http://www.stb.dot.gov> by conducting a search for AB-290 (Sub-No. 300X) within "Filings" under "E-Library."

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. Copies of this EA will be provided to Federal, local and state agencies for their review and comment.

HISTORIC REVIEW

NSR submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Virginia Department of Historic Resources (SHPO), pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments to NSR indicating that the proposed abandonment will have **no effect** on properties listed in or eligible for inclusion in the National Register of Historic Places (National Register). SEA concurs with this recommendation and has determined that there no National Register listed or eligible properties that would be affected by the proposed undertaking pursuant to Section 106 of the National Historic Preservation Act.

SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally recognized Tribes that may have ancestral connections to the project area. The database did not list any Tribes.

CONDITION

SEA recommends that the following environmental condition be imposed on any decision granting abandonment authority:

The Norfolk Southern Railway Company shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the Line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public

use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 245-0230, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this EA, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, who prepared this EA. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-290 (Sub-No. 300X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 245-0293, fax at (202) 245-0454, or e-mail at gliddenc@stb.dot.gov.

Date made available to the public: March 16, 2009.

Comment due date: March 31, 2009.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Anne A. Quinlan
Acting Secretary

Attachment