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SERVICE DATE - OCTOBER 20, 2003

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

NO. AB-290 (SUB-NO. 240X)

Norfolk Southern Railway Company
Abandonment Exemption - Between Gastonia and Dallas (GEBO)
In Gaston County, North Carolina

BACKGROUND

In this proceeding, Norfolk Southern Railway Company (NS) has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment and discontinuance of operations of rail line, located between Gastonia and Dallas/Gebo, Gastonia County, North Carolina. The rail line is approximately 5.0 miles long, from milepost HG-47.0 to milepost HG-52.0 and until February 2003, served a single shipper. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

NS states in its application that the rail line is approximately 30 percent residential, 50 percent commercial, and 20 percent agricultural. NS also states that the rail line proposed for abandonment does not pass through any state forests/parks, national forests/parks, or wildlife sanctuaries.

In its Application, NS states that this rail line provided service to a lone shipper, Webb Metals Limited, located at the northern end of the rail line. All rail traffic consisted of inbound carloads of scrap metal. NS states that no rail operations of any kind have taken place since the rail line was taken out of service in February 2003 because of its deteriorated condition and safety concerns. Prior to taking the rail line out of service, 67 carloads of scrap metal were received by Webb Metals Limited in 2002 and 114 carloads in 2001. NS believes that there is no reasonable possibility for future development of new rail traffic over this rail line. Additionally, NS states that because it does not have fee title for the entire right-of-way (ROW), in addition to other factors such as, location, physical condition of the rail line, and adjacent conditions, leads NS to believe the ROW would not be suitable for highways, other forms of mass transit, energy production related transportation facilities, conservation or recreation corridors, or other public use.

NS states that it has no knowledge of hazardous waste sites or sites where there have been known hazardous materials spills on the ROW.

If the abandonment is approved, NS states that it intends to salvage all rail, ties, track materials, and other structures as appropriate.

NS believes the abandonment, if approved, will enhance public health and safety by eliminating 16 private and public at-grade crossings.

There are a total of four bridges of deck/girder and pile trestle construction located on the right-of-way, all of which are 50 years old or older. The ROW also includes two separated grade crossings of Interstate 85 that were constructed in 1962. NS believes that all of the bridges are of ordinary construction and have no historic significance or value. The North Carolina Department of Cultural Resources, State Historic Preservation Office (SHPO) has determined that none of the structures are eligible for listing in the National Register of Historic Places. NS has stated that it is their policy to remove all bridges and culverts as part of the proposed abandonment unless otherwise indicated.

As noted above, because NS does not own the ROW as fee simple, NS believes that the rail line would not be available for any alternative public use. However, the City of Gastonia, Engineering Department, has expressed interest in conversion of the ROW into a recreational trail.

ENVIRONMENTAL REVIEW

The railroad has 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. The railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated and reviewed the record in this proceeding.

Comments have been received from the following agencies stating that the proposed abandonment will have no adverse impacts: U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Geodetic Survey; U.S. Department of Agriculture, Natural Resources Conservation Service; U.S. Army Corps of Engineers - Wilmington District, North Carolina Department of Coastal Management; the North Carolina Department of Cultural Resources, State Historic Preservation Office, and the Town of Dallas, North Carolina.

Transportation

Rail-to-Truck Diversions

SEA's preliminary analysis of 2001 railcar data (base year), indicates that 114 railcars

would be diverted to trucks.¹ The proposed abandonment, if approved, would result in 638.4² additional trucks or 1276.8 additional truck trips annually. When the additional trucks are calculated on a per day basis, an estimated 5.3 trucks (10.6 truck trips) per day result during a 240 day year.³ It is important to note that SEA is assuming an empty backhaul, which means that approximately 11.0 trucks per day will be added to existing traffic on State Highway 275 (NC-275) and/or U.S. 321.

To analyze the potential impact of the additional truck traffic, SEA calculated the percent increase in new truck traffic, as outlined above. SEA analysis assumes a worst case scenario by assuming that all the new truck traffic would use either U.S. 321 or NC-275 instead of the new truck traffic being split between the two roadways. SEA determined that the percent increase in ADT, based on a 240 day year (5.3 new trucks per day in each direction) would result in the following:

Roadway	ADT	Estimated New Truck Trips	Percent Increase in ADT
U.S. 321	4,500	10.6	0.2
NC 275	9,200	10.6	0.1

Based on the results which indicate an increase in ADT of less than one percent, SEA concludes that rail-to-truck diversions resulting from the proposed abandonment, if approved, will not significantly contribute to traffic delay or adversely affect safety.

The City of Gastonia, Engineering Department, requests that all rails, crossing materials, railroad signalization, and signage be removed from all highway/rail intersections with appropriate repairs along the ROW.

Finally, NS states that it would remove all 16, public and private, at-grade crossings located on the line proposed for abandonment. SEA believes that removal of these at-grade crossings would reduce the number of injuries and fatalities that might otherwise occur.

Energy Consumption

In the last two years, a limited volume of rail traffic was moved over the rail line. In 2001, 114 carloads, 10,089 tons of freight, while in 2002, 67 carloads, 5,251 tons of freight, were transported over the rail line. This indicates that the diversion of this rail traffic to local

¹SEA notes that using 2001 railcar data is a worst case scenario since only 67 railcars moved over this rail line in 2002.

²SEA used a conversion of 5.6 trucks per railcar - railcars typically haul 100 tons and most trucks haul 18 tons.

³240 workdays result when weekends and holidays are subtracted from a 365 day year.

roadways will result in less than 91 carloads per year or approximately 18 carloads per mile per year. Therefore, determination of net change in energy consumption is negligible.

Air Quality

The Board has established air quality and noise level threshold levels set forth at 49 CFR 1105.7(e)(5)(ii) and (e)(6). These thresholds are guidelines that are considered, along with other supporting information, to determine whether the air pollution and noise levels generated by rail traffic diverted to alternative modes warrant detailed analysis. The applicable threshold level for an attainment area when assessing air pollution is an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains per day on any segment of the rail line, or an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment.

Consultation with the North Carolina Department of Natural Resources indicates that the proposed abandonment is currently listed as an attainment area. However, the NC-DNR has currently submitted information to the U.S. Environmental Protection Agency asking them to designate Gaston County as non-attainment for the 8-hour ozone standard. To determine whether the air pollution that would be generated by the estimated new truck diversions, we compared the increase in existing ADT on NC-275 and U.S. 321 with the worst case scenario – 10.6 trucks per day, round-trip. The results indicate if all of the diverted truck traffic traversed these two roadways that there would be an increase in ADT of 0.1 percent and 0.2 percent respectively. The corresponding impacts to air quality would also be insignificant.

Solid and Hazardous Waste

NS states that it has no knowledge of any hazardous waste sites or sites where there have been known hazardous material spills on the ROW.

Cultural and Historic Resources

The National Geodetic Survey (NGS) has completed its review of the proposed abandonment and identified nine (9) geodetic survey markers.

Additionally, the North Carolina Department of Cultural Resources, State Historic Preservation Office has stated that their review did not identify any properties or areas of archeological or historical significance.

Biological Resources

The U.S. Fish and Wildlife Service (U.S. FWS) has raised concern regarding the endangered Schweinitz's Sunflower (*Hellanthus schweinitzii*) and the Georgia Aster (*Aster Georgianus*), a candidate for federal listing. The U.S. FWS is also interested in the removal of culverts or other structures that may adversely impact the mobility of aquatic species or

otherwise impact stream hydrology.

The North Carolina Department of Environment and Natural Resources, Division of Parks and Recreation has indicated, via their website, their concern for the Threatened Bog Turtle (*Clemmys muhlenbergii*), the Threatened Bald Eagle (*Haliaeetus leucocephalus*), the endangered Schweinitz's Sunflower (*Hellanthus schweinitzii*) and the Georgia Aster (*Aster Georgianus*), a candidate for federal listing.

The North Carolina Wildlife Resources Commission has not completed its review of the proposed abandonment.

NS has stated that, for rail lines in use, it is customary to spray them once a year to control the growth of vegetation within the ROW. Therefore, SEA believes that the existence of threatened or endangered species to be located within the ROW is unlikely.

Water Resources

Additionally, the U.S. Army Corps of Engineers, Wilmington District, has indicated that the action, as proposed, will not affect jurisdictional waters or wetlands

Land Use

If the abandonment is approved, where NS owns the ROW it will be allowed to revegetate naturally. While those portions of the ROW not owned by NS, its future will be determined by the owner, local zoning, and development ordinances.

The U.S. Department of Agriculture, Natural Resources Conservation Service, has indicated that the action, as proposed, would have no impact on prime agricultural farmland.

CONDITIONS

In response to the concerns expressed by U.S. Department of Commerce, National Geodetic Survey, U.S. Department of Interior, Fish and Wildlife Division, the North Carolina Department of Environment and Natural Resources - Division of Parks and Recreation, the North Carolina Wildlife Resources Commission, and the City of Gastonia - Engineering Department, we recommend that the following conditions be imposed on any decision granting abandonment authority.

1. Norfolk Southern Railway Company (NS) shall notify the U.S. Department of Commerce, National Geodetic Survey (NGS) prior to any salvage activities that will disturb or destroy any of the nine (9) survey markers on the right-of-way. NS will allow the NGS 90 days from the issuance of any decision granting abandonment authority in this proceeding to survey the rail line for any historical benchmarks or monumentation.

2. The U.S. Fish and Wildlife Service (U.S. FWS) has completed its preliminary review of the proposed abandonment and has concerns regarding the endangered Schweinitz's Sunflower (*Hellanthus schweinitzii*) and the Georgia Aster (*Aster Georgianus*), a candidate for federal listing. Therefore, we recommend that a condition be placed on any decision granting abandonment authority prohibiting the railroad from salvaging or disposing of the entire right-of-way until consultation with the U.S FWS has been completed.

3. The North Carolina Wildlife Resources Commission (NC-WRC) has not completed its review. Therefore, we recommend that a condition be placed on any decision granting abandonment authority prohibiting the railroad from salvaging or disposing of the entire right-of-way until consultation with the NC-WRC has been completed.

4. The North Carolina Department of Environment and Natural Resources, Division of Parks and Recreation (NC-DENR) has identified the Bog Turtle (*Clemmys muhlenbergii*) and the Bald Eagle (*Haliaeetus leucocephalus*) as Listed Threatened as well as the endangered Schweinitz's Sunflower (*Hellanthus schweinitzii*) and the Georgia Aster (*Aster Georgianus*), a candidate for federal listing. Therefore, we recommend that a condition be placed on any decision granting abandonment authority prohibiting the railroad from salvaging or disposing of the entire right-of-way until consultation with the NC-DENR has been completed.

5. The City of Gastonia, Engineering Department, requests that all rails, crossing materials, railroad signalization, and signage be removed from all highway/rail intersections with appropriate repairs along the right-of-way. Therefore, we recommend that Norfolk Southern Railway Company consult with the City's Engineering Department prior to initiation of any salvage activities.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and subject to the recommended mitigation measures, 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.

The City of Gastonia, Engineering Department also requests that the ROW be evaluated for potential conversion into Rails-to-Trails program.

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 responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Troy Brady, who prepared this environmental assessment. **Please refer to Docket No. AB- 290 (Sub No. 240X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Troy Brady at (202) 565-1643.

Date made available to the public: **October 20, 2003.**
Comment due date: November 19, 2003. (30 Days)

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

Vernon A. Williams
Secretary

Attachment

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AB-290 Sub 290X

