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OEA

SERVICE DATE – APRIL 11, 2014

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 290 (Sub-No. 361X)

**Norfolk Southern Railway Company – Abandonment Exemption –
in Prince Edward County, Va.**

BACKGROUND

In this proceeding, Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Prince Edward County, Virginia. The rail line proposed for abandonment extends approximately one mile between milepost N 167.9 and milepost N 168.9 in the Town of Pamplin City (Pamplin City), Virginia (the Line). A map depicting the 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 to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

NSR submitted an Environmental Report that concludes the quality of the human environment would 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 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

NSR states that the purpose of the proposed abandonment is to facilitate the extension of the adjacent High Bridge Trail State Park (High Bridge Trail) into Pamplin City, Virginia. To that end, NSR intends to negotiate a Trails Use Agreement with the Virginia Department of Conservation and Recreation (VDCCR), which manages the Virginia State Park System and the High Bridge Trail.

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 290 (Sub-No. 361X).

NSR states that no traffic has moved over the Line in at least two years and that there have been no requests for service in that time. Accordingly, the proposed abandonment would 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.

Salvage Activities

If abandonment authority is granted in this proceeding, NSR states that it would salvage rail, track, and related material. The contour of the existing underlying roadbed would remain intact and existing drainage systems would not be altered. No ballast would be removed, no digging or burying would occur, and no soil would be disturbed. There are no bridges or other structures on the Line.

In response to NSR's request for comments on the proposed abandonment, the Prince Edward County Board of Supervisors (Prince Edward County) adopted a resolution stating that the abandonment of the Line would be consistent with existing local land use plans and the long term strategic vision of Prince Edward County. The resolution expresses support for the proposed abandonment and the conversion of the Line into a trail for the purpose of extending the High Bridge Trail.

The Council of Pamplin City adopted a resolution stating that the proposed abandonment would be consistent with existing local land use plans and expressing support for the conversion of the Line into a trail for the purpose of extending the High Bridge Trail.

The U.S. Natural Resource Conservation Service (NRCS) submitted comments stating that the proposed abandonment would not result in the conversion of prime farmland. Accordingly, no mitigation regarding the conservation of agricultural land is recommended.

In its review of available geospatial data, OEA has concluded that the Line does not cross and is not immediately adjacent to any wetlands.² The Line does not cross any streams or other bodies of water and is not located within the 100 year flood plain.³

NSR requested comments from the U.S. Environmental Protection Agency (USEPA) and the Virginia Department of Environmental Quality (VDEQ) regarding the need for a pollutant discharge permit under Section 402 of the Clean Water Act (33 U.S.C. § 1251), but has received no response from either agency to date. Because the proposed abandonment would not result in the discharge of pollutants, disturb any soils, or alter the existing drainage systems, OEA concurs

² U.S. Fish and Wildlife Service, National Wetlands Inventory, <http://www.fws.gov/wetlands/> (last visited April 4, 2014).

³ Federal Emergency Management Agency, Mapping Information Platform, <https://hazards.fema.gov/femaportal/wps/portal> (last visited April 4, 2014).

with NSR that a Section 402 permit would not be required. OEA is sending a copy of this EA to EPA and VDEQ for review and comment.

NSR requested comments from the Corps regarding the need for a permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344). In its response, the Corps states that the proposed abandonment would not affect any waters of the United States and that no Corps permit would be required. Accordingly, no mitigation regarding potential impacts to water quality is recommended.

NSR states that it has no knowledge of any hazardous waste sites or sites where hazardous material spills have occurred on or adjacent to the right-of-way. OEA’s review has confirmed that there are no federally listed Superfund sites in the vicinity of the Line.⁴ Accordingly, no mitigation regarding hazardous waste sites or hazardous material spills is recommended.

The U.S. Fish and Wildlife Service (USFWS) submitted comments identifying federally listed threatened and endangered species known or thought to be present in the vicinity of the proposed abandonment. The table below shows the federally protected species identified by USFWS.

Protected Species in Botetourt County, Virginia			
Group	Common Name	Scientific Name	Status
Fishes	Roanoke logperch	<i>Percina rex</i>	Endangered
Clams	Dwarf wedgemussel	<i>Alasmidonta heterodon</i>	Endangered
Flowering Plants	Smooth coneflower	<i>Echinacea laevigata</i>	Endangered

Among the species listed above, the Roanoke logperch (*Percina rex*) and the dwarf wedgemussel (*Alasmidonta heterodon*) are aquatic species that are unlikely to occur within the rail right-of-way. Because the Line does not cross any waterways and because NSR does not intend to conduct any in stream work, soil disturbance, or other activities that could potentially affect waterways, OEA believes that the proposed abandonment would not affect either of these federally listed endangered species.

The smooth coneflower (*Echinacea laevigata*) is a perennial herb typically found along the edges of wooded areas. It is a shade intolerant species that is dependent on periodic disturbances to reduce shade and competition from woody plants and is known to exist along roads and utility rights-of-way.⁵ An existing rail corridor may constitute suitable habitat for this

⁴ Environmental Protection Agency, NEPAassist, <http://nepassisttool.epa.gov/nepassist/entry.aspx> (last visited April 4, 2014).

⁵ U.S. Fish and Wildlife Service, Endangered Species Database, <http://ecos.fws.gov/ecos/indexPublic.do> (last visited April 4, 2014).

species. If any smooth coneflower individuals are present along the rail right-of-way, however, OEA does not anticipate that the proposed abandonment would result in any adverse impacts to these individuals. Salvage activity would be limited to the removal of track, ties, and related material. NSR does not intend to undertake any construction or reforestation activities that could potentially harm individual plants or reduce the availability of potential smooth coneflower habitat. The proposed conversion of the Line into a recreational trail would have the effect of preserving the existing right-of-way and any potential habitat for the smooth coneflower. Accordingly, based on the information available to date, OEA does not believe that the proposed abandonment would negatively affect any federally threatened or endangered species and is not recommending any mitigation regarding the protection of these species. OEA is sending a copy of this EA to USFWS for the agency's review and comment.

NSR has requested comments from the National Park Service (NPS) regarding the potential impact of the proposed abandonment on wildlife sanctuaries or refuges, parks, or other protected areas, but has received no response to date. In its review of available geospatial data, OEA has concluded that the proposed abandonment is not located in or adjacent to any national park; wildlife sanctuary or refuge; or other federally protected area. OEA notes that the Line is adjacent to the High Bridge Trail, a Virginia state park. As noted above, OEA understands that the purpose of the proposed abandonment is to allow for the extension of the High Bridge Trail. Accordingly, the impact of the proposed abandonment would be beneficial to protected areas and no mitigation is recommended.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts. OEA is providing a copy of this EA to Pamplin City, Prince Edward County, VDEQ, and USFWS for review and comment.

HISTORIC REVIEW

According to NSR, the Line was originally constructed between 1849 and 1854 as part of the Southside Railroad between Petersburg and Lynchburg, Virginia. The railroad was an important transportation resource during the Civil War. In the 1860s, the Southside Railroad was consolidated with other properties to form the Atlantic, Mississippi, and Ohio Railroad (AM&O), which extended from Norfolk to Bristol, Virginia. The AM&O was sold in 1881 and renamed the Norfolk and Western Railroad company, which became the Norfolk and Western Railway Company (NW) in 1896. NW was a predecessor of NSR.

The Line is a small, western segment of a rail line that originally extended some 32 miles from Pamplin City to Burkeville, Virginia. The 31 mile rail line located to the east of and adjacent to the Line was the subject of an abandonment proceeding in 2005. During that

abandonment process, NSR negotiated an interim trails use agreement with VDCR, which resulted in the conversion of the rail line into the High Bridge Trail.

NSR now seeks to abandon the Line in order to facilitate the extension of the High Bridge Trail into Pamplin City, Virginia. OEA understands that, should the Line be incorporated into the High Bridge Trail, it would be managed by VDCR, a Virginia state agency, as part of the Virginia State Park system. The local governments of Pamplin City, Virginia and Prince Edward County, Virginia have expressed support for the abandonment and the conversion of the Line into a trail.

Pursuant to 49 C.F.R. § 1105.8(c), NSR served the Historic Report, including topographic maps of the rail right-of-way (the Area of Potential Effect or APE), on the Virginia Department of Historic Resources (State Historic Preservation Officer or SHPO). In response, the SHPO requested additional information before providing comments regarding the potential effect of the proposed abandonment on historic properties. Specifically, the SHPO requests that NSR submit an additional map of the APE for direct and indirect effects, and that this map be in a digital shapefile format. The SHPO also requests that NSR perform a search of the SHPO's archives for the area within the APE for direct and indirect effects. The SHPO advises that, in accordance with the SHPO's policies, the SHPO would conduct the search of the SHPO's records on behalf of NSR for a fee. Finally, the SHPO requests that NSR submit several representative photographs of the rail right-of-way in order to allow the SHPO to get an idea of the surrounding area.

NSR states that it has now provided the SHPO with digital maps of the rail right-of-way and has submitted a request for a search of the SHPO's archives, along with the requested fee. OEA has attached with this EA an additional map of the Line and two photographs of the right-of-way taken from publically accessible road crossings, as well as a photograph of the adjacent High Bridge Trail.

OEA does not generally consider the conversion of a rail line into a recreational trail to be an adverse impact to historic properties, when such properties are present in the project APE. Typically, OEA considers interim trails use to be beneficial for the purpose of historic preservation. The conversion of a rail line into a trail allows for historic structures, if any, to be preserved and for the right-of-way, which may in some circumstances have historic interest as a rail corridor, to remain intact. Further, many trails are managed with the specific objective of promoting knowledge of and appreciation for the history of the rail line.

Based on the information available to date, OEA does not anticipate that the proposed abandonment would have an adverse effect on historic properties. However, because the SHPO has not yet provided comments, we are unable to consider the SHPO's opinion in making an official determination. Accordingly, pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and the Board's environmental rules, we are recommending a condition requiring NSR to retain its interest in and take no steps to alter the historic integrity of all historic properties within the APE eligible for listing or listed in the National Register until the Section 106 process has been completed. Until the SHPO has provided an opinion and the

Board has removed this condition, NSR will be unable to conduct any salvage activities related to the abandonment of the Line or to dispose of the right-of-way as an abandoned line of railroad. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the National Park Service Native American Consultation Database to identify federally recognized tribes that may have ancestral connections to the project area.⁶ The search did not identify any federally recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment.

CONDITIONS

We recommend that the following condition be imposed on any decision granting abandonment authority:

- 1. Norfolk Southern Railway Company (NSR) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed. NSR shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Virginia Department of Historic Resources (State Historic Preservation Officer or SHPO) and the public. NSR may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.**

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the Line would 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 would not be affected.

⁶ National Park Service, National NAGPRA Program Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited April 4, 2014).

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 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

Requests for a notice of interim trail use (NITU) are due to the Board, with a copy to the railroad, within 10 days of publication of the notice of 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 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Joshua Wayland, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-290 (Sub-No. 361X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Joshua Wayland, the environmental contact for this case, by phone at (202) 245-0330, fax at (202) 245-0454, or e-mail at waylandj@stb.dot.gov.

Date made available to the public: April 11, 2014

Comment due date: April 28, 2014

By the Board, Victoria Rutson, Director, Office of Environmental Analysis