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SERVICE DATE – JANUARY 29, 2014

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 290 (Sub-No. 339X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN
GASTON COUNTY, N.C.

Decided: January 27, 2014

Norfolk Southern Railway Company (NSR) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon approximately 0.5 miles of rail line between milepost HG 37.50 (near the line's crossing of Brooks Road) and milepost HG 38.00 (north of Robinson Road), in Crowders (Gastonia), Gaston County, N.C.¹ Notice of the exemption was served and published in the Federal Register on December 31, 2013 (78 Fed. Reg. 79,726). The exemption is scheduled to become effective on January 30, 2014.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) in this proceeding on January 3, 2014. In the EA, OEA states that the U.S. Environmental Protection Agency (EPA) submitted comments stating that there could be stormwater related runoff associated with the proposed abandonment which might trigger a need for a Clean Water Act (CWA) 402 stormwater permit, and that EPA has delegated its CWA implementation to the State of North Carolina. Further, OEA states that EPA has suggested that NSR contact the North Carolina Department of Environment and Natural Resources (NCDENR) stormwater permitting staff to determine if a permit is required. Also, EPA suggested that NSR contact the appropriate department in the City of Crowders (the City) which is responsible for implementing the Municipal Separate Storm Sewer Systems (MS4) program to determine whether an MS4 permit is required. Accordingly, OEA recommends that a condition be imposed requiring NSR to consult with NCDENR and the City to determine what, if any, permits are needed prior to salvage, and to comply with their reasonable requirements, if applicable.

Additionally, OEA states that the North Carolina Department of Environment and Natural Resources, Division of Water Quality (NCDENR-DWQ) submitted comments listing suggestions/measures on how to mitigate potential impacts associated with the proposed bridge removal over Crowders Creek. Accordingly, OEA recommends that a condition be imposed requiring NSR to consult with NCDENR-DWQ prior to salvage to discuss which of these suggestions/measures would be necessary, and to comply with their reasonable requirements.

¹ According to NSR, it seeks to abandon the line segment to permit removal of a bridge over Robinson Road/SR 2416 to facilitate widening of that state highway, thereby alleviating an existing road clearance restriction and a related roadway safety concern.

Comments to the EA were due January 17, 2014. No comments were received. Accordingly, the conditions recommended by OEA in the EA will be imposed.

Based on OEA's recommendation, the proposed abandonment, if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.

2. Upon reconsideration, the notice served and published in the Federal Register on December 31, 2013, exempting the abandonment of the line segment described above is subject to the conditions that NSR shall: (1) consult with NCDENR and the City to determine what, if any, permits are needed prior to salvage, and to comply with their reasonable requirements, if applicable; and (2) consult with NCDENR-DWQ prior to salvage to discuss which suggestions/measures would be necessary, and to comply with their reasonable requirements.

3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.