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OEA

SERVICE DATE – SEPTEMBER 22, 2015

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB 290 (Sub-No. 378X)

**Norfolk Southern Railway Company – Abandonment Exemption –
in Nottoway County, Virginia**

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 to abandon 0.70 miles of rail line extending from Milepost N 133.4 near Atwood Street to Milepost N 134.1 near Highway 460 and Burkes Tavern Road in Nottoway County, Virginia. A map depicting the proposed abandonment is appended to this Environmental Assessment (EA). If the notice becomes effective, NSR would 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

According to NSR, there are currently no customers being served on the line which has been out of service for two years. NSR believes there is no reasonable prospect for future use of the line. 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.

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. 378X).

NSR indicates that it has mainly fee title to the right-of-way. One section of the underlying line segment is held in easement. NSR states that the corridor of the proposed abandonment may be suitable for alternative public use. The line right-of-way width ranges from 80 to 200 feet. Concrete bridges span roads at Milepost N 133.41 and Milepost N 133.75.

Salvage Activities

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

NSR indicates that it plans to salvage rail and track material following abandonment. However, the existing roadbed will remain unchanged and the current drainage system will remain in place. No ballast will be removed and no digging will occur beyond the existing surface. NSR states that all salvaged steel track material will be reused or sold. Any disposal of track material will be in accordance with applicable federal and state laws and regulations. NSR has no plans to conduct in-stream dredging activities and/or engage in work that would result in water quality impacts.

The town of Burkeville, Virginia provided a letter to NSR expressing its support for the proposed abandonment. In its letter, the town encourages NSR to convey ownership of the rail right-of-way to the Virginia Department of Conservation and Recreation (DCR) as it would extend the High Bridge Trail State Park.²

Nottoway County submitted a letter to NSR stating that the proposed abandonment action does not conflict with the county's land use plans.

The Virginia Department of Environmental Quality provided the opinion that the proposed abandonment activities, as currently described, would not require water quality permits under Section 402 of the Clean Water Act.

The U.S. Army Corps of Engineers (ACOE), Norfolk District Office, has indicated that the proposed abandonment action does not fall within its jurisdiction. Nonetheless, ACOE urges the applicant to ensure that no dredged material be placed into the waters of the United States and requests that NSR obtain all required state and local authorizations before beginning salvage operations. As a courtesy, ACOE provided a list of known historic and wildlife resources in the area. These include the DHR ID 006-5007 High Bridge Trail State Park, Norfolk Southern Rail Line, and federally-listed flora and fauna which may occur within the vicinity of the project area.

The U.S. Fish and Wildlife Service (FWS) provided NSR with a list of endangered/threatened species that may occur within the boundary of the proposed abandonment

² The Town of Burkeville hopes that NSR will also convey ownership of a previous abandonment from Milepost N 134.1 to Milepost N 167.90 [see Docket No. 290 (Sub-No. 252X)] to DCR for the purposes of completing the High Bridge Trail State Park.

area (FWS Consultation Code 05E2VA00-2015-SLI-1713). These include the endangered flowering plant, Michaux's sumac (*Rhus michauxii*); the endangered Dwarf wedgemussle (*Alasmidonta heterodon*), the endangered Roanoke logperch (*Percina rex*), and the threatened Northern long-eared Bat (*Myotis septentrionalis*). No areas of critical habitat were identified in the project area. To ensure that its concerns are appropriately addressed, OEA recommends a condition requiring NSR to consult with the FWS prior to the onset of salvage operations.

The Virginia Department of Environmental Quality has advised NRS that the area of the proposed abandonment is not located within Virginia's Coastal Zone and not subject to the federal consistency requirements of the Coastal Zone Management Act.

The National Geodetic Survey (NGS) commented that there are two geodetic station markers within the right-of-way of the proposed abandonment. OEA is therefore recommending that the Board impose a condition requiring NSR to contact NGS regarding impacts to the geodetic station markers prior to initiating any salvage activities of the line.

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.

OEA has not received responses from several federal agencies including the U.S. Environmental Protection Agency and the Natural Resources Conservation Service regarding potential environmental impacts from the proposed abandonment. OEA is therefore sending a copy of this EA to those agencies for review and comment.

HISTORIC REVIEW

NSR submitted a historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Virginia Department of Historic Resources (State Historic Preservation Office or SHPO) pursuant to 49 C.F.R. § 1105.8(c).

The rail line proposed for abandonment is part of the Southside Railroad, an important transportation link during the Civil War constructed between 1849 and 1854. In the 1860s, the Southside Railroad was combined with two other lines to form the Atlantic, Mississippi and Ohio Railroad ("AM&O"). The AM&O eventually became part of the Norfolk and Western Railroad Company, a predecessor to NSR.

The rail line is near the High Bridge State Park. The park derives its name from the 125-foot tall bridge spanning the Appomattox River. According to the park's website, the High Bridge is the longest recreational bridge in Virginia and one of the longest in the country. The bridge is both a Virginia Historic Landmark and listed on the National Register of Historic Places. The park was created following the abandonment in 2005 of a 31-mile rail segment which adjoins the line proposed for abandonment to the west (see map). As noted earlier, the town of Burkeville, Virginia, located just east of the line expressed its hope that NSR donate the line to the park following abandonment approval. The park provides recreational biking and walking opportunities for area residents.

The current line includes two historic era bridges that span roadways at mileposts N 133.41 and N 133.75. The first is a 51 foot-long single plate, girder span open-deck bridge supported by concrete piers. It was initially constructed in 1901 with a single track and widened in 1910 to make room for two trains. The second bridge has three open-deck, riveted deck plate girder spans. It is 75 feet long and supported by masonry piers at each end and two steel piers bracketing the road.

The SHPO has not provided its opinion regarding potential effects to historic properties for this undertaking pursuant to Section 106 of the National Historic Preservation Act, 54 U.S.C. § 306108. OEA therefore recommends a condition requiring NSR to 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 SHPO provides its opinion and the Section 106 process has been completed.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have current or ancestral connections to the project area.³ The database identified the United Keetoowah Band of Cherokee Indians in Oklahoma as having a possible interest in the project area. OEA is also providing a copy of this EA to the Pamunkey Indian Tribe of Virginia which just recently received federal recognition.

CONDITIONS

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

- 1) 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 will disturb or destroy any geodetic station markers.**
- 2) Prior to commencement of any salvage activities, the Norfolk Southern Railway Company shall consult with the U.S. Fish and Wildlife Service regarding potential impacts from salvaging activities to federally listed threatened and endangered species that may occur in the vicinity of the line. Norfolk Southern Railway Company shall report the results of these consultations in writing to the Board's Office of Environmental Analysis prior to the onset of salvage operations.**
- 3) 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, 54 U.S.C. §**

³ Native American Consultation Database, <http://grantsdev.cr.nps.gov/Nagpra/NACD/> (last visited September 9, 2015).

306108, has been completed. NSR shall report back to the Office of Environmental Analysis 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 conditions are 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 4-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

A request for a notice of interim trails use (NITU) is 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 (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC 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 Catherine Nadals, who prepared this Environmental Assessment. 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. 378X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Catherine Nadals, the environmental contact for this case, by phone at (202) 245-0293, fax at (202) 245-0454, or e-mail at nadalsc@stb.dot.gov.

Date made available to the public: September 22, 2015.

Comment due date: October 7, 2015.

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

Attachment