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OEA

SERVICE DATE – JANUARY 3, 2014

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

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

Norfolk Southern Railway Company – Abandonment Exemption – in Gaston County, NC

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 to abandon approximately 0.5 miles of rail line between milepost HG 37.50 and HG 38.00 in Gaston County, North Carolina (the Line). A map depicting the Line in relationship to the area served is appended to this 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.

DESCRIPTION OF THE LINE

According to NSR, the Line passes through suburban residential areas, and there are two bridges located along the Line. The right-of-way width ranges from 40 feet to 70 feet along the main track centerline. NSR states that it is seeking abandonment of the Line to permit removal of a railroad bridge over Robinson Road/SR 2416 to facilitate widening of the state highway.

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 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, no local traffic has moved over the Line for at least two years, and there is no overhead traffic to be rerouted. Accordingly, the proposed abandonment would not

¹ The railroad's 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. 339X).

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

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 regrading of the 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.

The Gaston County Manager submitted comment letters on July 31, 2012 and April 18, 2013. The July 31, 2012 letter expressed opposition to the proposed abandonment. However, the April 18, 2013 letter rescinded the July 31, 2012 letter and stated that Gaston County fully supports the proposed abandonment for the purpose of accommodating needed road safety improvements.

The Natural Resources Conservation Service, Soil Survey Office commented that no farmland area would be affected or converted as a result of the proposed abandonment.

The Natural Resources Conservation Service, Ecological Sciences Office stated that it had no further comment on the proposed abandonment.

The United States Fish and Wildlife Service submitted comments stating that no federally listed endangered or threatened species or their habitat occur in the area of the proposed abandonment. Therefore, no further action under Section 7 is required.

The National Geodetic Survey (NGS) commented that no geodetic survey markers are located within the area of the proposed abandonment. Therefore, no further consultation with NGS is necessary.

The United States Environmental Protection Agency (US EPA) submitted comments stating that there may be stormwater related runoff associated with the proposed abandonment, which may trigger a Clean Water Act (CWA) 402 stormwater permit. US EPA has delegated its CWA implementation to the State of North Carolina. Therefore, US EPA suggested that NSR contact the North Carolina Department of Environment and Natural Resources (NCDENR) stormwater permitting staff to determine if such a permit is required. US EPA also suggested that NSR contact the City of Crowders' department responsible for implementing the Municipal Separate Storm Sewer Systems (MS4) program to determine if an MS4 permit is required. Accordingly, OEA is recommending a condition that requires NSR to consult with NCDENR and the City of Crowders to determine what, if any, permits are needed prior to salvage, and to comply with their reasonable requirements if applicable.

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 is recommending a condition that requires 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.

The North Carolina Department of Environment and Natural Resources, Division of Coastal Management commented that it does not appear that the proposed abandonment would have a reasonably foreseeable effect on any coastal use or coastal resource located within a coastal county. Therefore, no further regulatory review is required.

The North Carolina Department of Environment and Natural Resources, Mooresville Regional Office provided comments from its Air, Water and Land Quality office areas. Each of these office areas stated that they had no comment on the proposed abandonment.

The North Carolina Department of Environment and Natural Resources, Division of Waste Management, Solid Waste Section submitted comments stating that after reviewing the proposed abandonment, no adverse impact would be anticipated on the surrounding community, and likewise, no known situations in the community would affect the proposed abandonment.

The North Carolina Department of Environment and Natural Resources, Division of Waste Management, Hazardous Waste Section stated that it had no objection to the proposed abandonment.

The North Carolina Department of Environment and Natural Resources, Division of Waste Management, Superfund Section (NCDENR DWMSS) submitted comments stating that two hazardous waste sites are located in the area of the proposed abandonment. However, NCDENR DWMSS stated that it is unlikely that the project would affect these sites and vice versa.

The North Carolina Department of Transportation and the CC&PS Division of Emergency Management Floodplain Management Program stated that they had no comment on the proposed abandonment.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this EA to US EPA and NCDENR DWQ for their review and comment.

HISTORIC REVIEW

NSR served the historic report on the North Carolina State Historic Preservation Officer (SHPO), pursuant to 49 C.F.R. § 1105.8(c). SHPO submitted comments stating that no historic resources would be affected by the proposed abandonment. OEA has reviewed the available

information and concurs with the SHPO's comments. Accordingly, pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's Historic Report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database at <http://grants.cr.nps.gov/nacd/index.cfm> to identify federally-recognized tribes which may have ancestral connections to the project area. The database indicated that there are no tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment.

CONDITIONS

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

1. Norfolk Southern Railway Company shall consult with the North Carolina Department of Environment and Natural Resources and the City of Crowders to determine what, if any, permits are needed prior to salvage, and to comply with their reasonable requirements if applicable.
2. Norfolk Southern Railway Company shall consult with the North Carolina Department of Environment and Natural Resources, Division of Water Quality prior to salvage to discuss which of its suggestions/mitigation measures would be necessary and to comply with their reasonable requirements.

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 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

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 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 Services, 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 Danielle Gosselin, 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. 339X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Danielle Gosselin, the environmental contact for this case, by phone at (202) 245-0300, fax at (202) 245-0454, or e-mail at danielle.gosselin@stb.dot.gov.

Date made available to the public: January 3, 2014.

Comment due date: January 17, 2014.

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

Attachment