

33990

SERVICE DATE - SEPTEMBER 30, 2003

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-290 (Sub-No. 222X)

**Norfolk Southern Railway Company - Abandonment Exemption - In Mercer County, WV,
and Tazewell County, VA**

BACKGROUND

In this proceeding, Norfolk Southern Railway Company (NSR or railroad) filed a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a line of railroad in Mercer County, West Virginia (WV) and Tazewell County, Virginia (VA). The rail line proposed for abandonment is located between Milepost PO-0.0 at Bluestone, WV and Milepost PO-1.90 at Pocahontas, VA. The total distance is approximately 1.9 miles including roughly 0.9 miles in WV and 1.0 miles in VA. A map depicting the rail line in relationship to the area served is appended to this report.

DESCRIPTION OF THE LINE

Land use in the vicinity of the right-of-way (ROW) is approximately 60 percent forest land, 20 percent residential, and 20 percent commercial. The width of the ROW varies but is generally about 80 feet. According to NSR, trains have not moved on the line in the past two years. In response to requests from local communities, which would like to use the rail line for a tourist train, NSR has indicated an intent to sell the ROW with the structures, rails, ties and ballast in place.

The line was originally constructed in 1907 by the Pocahontas and Western Railroad Company (PWR), a predecessor of NSR's predecessor, Norfolk and Western Railway Company (NW). However, it is possible that NW completed the construction because the line was not finished at the time it was acquired from the PWR. The line was originally constructed to serve local coal operations. There are five small open-deck steel-plate bridges and one concrete structure on the line. All six structures were originally built in 1907.

ENVIRONMENTAL REVIEW

The railroad submitted environmental and historical reports that indicate that the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities. The railroad served these reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) reviewed and investigated the record in this proceeding.

The U.S. Department of Agriculture, Natural Resources Conservation Service - District Conservationist (formerly the Soil Conservation Service) noted that the proposed abandonment would not affect prime farmland.

The proposed abandonment would not be expected to have adverse land use impacts. The mayor of Pocahontas and a VA state senator have requested that NSR leave the rails and ties in place to facilitate a potential future use of the rail line by a tourist train. According to NSR, the rail line also passes through Laurel Meadow Park. The abandonment would not be expected to adversely effect the park or park activities.

The U.S. Army Corps of Engineers - Louisville District and Huntington District, both concluded that the proposed abandonment, as outline by NSR, would not involve the discharge of dredged or fill material in waters of the United States, including wetlands. Therefore, a Department of the Army permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) would not be required.

The U.S. Fish and Wildlife Service - West Virginia Field Office reported in 2001 that the proposed project would not impact any Federally-listed endangered or threatened species. The U.S. Fish and Wildlife Service - Gloucester, VA office also stated in 2001 that the abandonment would not likely have adverse effects on Federally-listed species. However, if land disturbing activities occur, the Gloucester office recommends the implementation of strict erosion control measures to protect Federally-listed mussels that are known to reside in streams that are adjacent to the subject rail line. The WV Division of Natural Resources also requested the use of sediment and erosion control measures if rails and ties are removed. Although land disturbing activities such as salvaging are not currently proposed by NSR, SEA recommends a condition to address sediment and erosion concerns because of potential impacts to Federally-listed species.

In 2001 correspondence, the VA Department of Game and Inland Fisheries and VA Department of Conservation and Resources did not identify any Federally or state-listed endangered or threatened species that could be adversely affected by the proposed abandonment.

The U.S. Environmental Protection Agency - Region 4 did not have comments on the proposed abandonment. Fugitive dust is the only air quality concern that was raised by the WV Division of Environmental Protection and the VA Department of Environmental Quality.

However, activities that could result in the generation of fugitive dust, such as salvaging activities, are not currently proposed by NSR.

According to NSR, there are no known hazardous waste sites or hazardous material spill sites on the subject ROW.

The WV Division of Culture and History and VA Department of Historic Resources (the State Historic Preservation Offices or SHPOs) concluded in 2003 correspondence that the proposed abandonment would not adversely affect historic properties.

CONDITIONS

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

1. If Norfolk Southern Railway Company (NSR) revises its abandonment plans to include salvaging activities, NSR shall consult with the U.S. Fish and Wildlife Service - Gloucester, VA office (USFWS) to determine what sediment and erosion control measures should be implemented during salvaging activities. NSR shall report the results of any USFWS consultations to the Surface Transportation Board's Section of Environmental Analysis.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, 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 should not be affected.

PUBLIC USE

If abandonment of the rail line does take place, the ROW 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 Surface Transportation 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 Surface Transportation Board, with a copy to the railroad, within 20 days of publication of the notice of exemption in the

Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of ROWs as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

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

ENVIRONMENTAL 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 David Navecky, who prepared this environmental assessment. **Please refer to STB Docket No. AB-290 (Sub-No. 222X) in all correspondence addressed to the Board. Questions regarding this environmental assessment should be referred to David Navecky at 202-565-1593 (naveckyd@stb.dot.gov).**

Date made available to the public: September 30, 2003

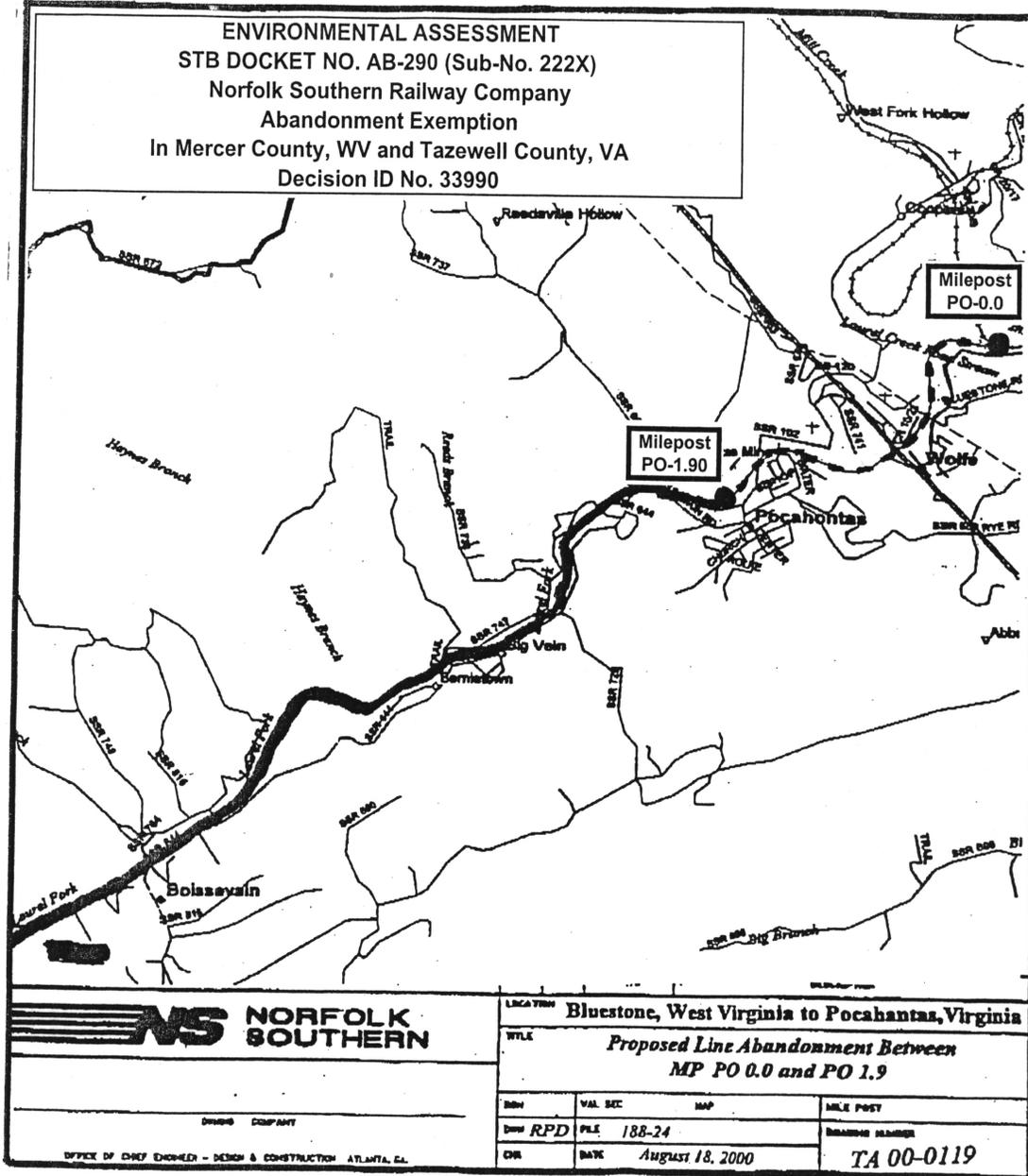
Comment due date: **October 14, 2003**

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

Vernon A. Williams
Secretary

Attachment

ID-33990



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 Norfolk Southern Railway Company
 Abandonment Exemption
 In Mercer County, WV and Tazewell County, VA
 Decision ID No. 33990

DESIGN COMPANY
 OFFICE OF CHIEF ENGINEER - DESIGN & CONSTRUCTION ATLANTA, GA.

LOCATION				Bluestone, West Virginia to Pocahontas, Virginia
TITLE				Proposed Line Abandonment Between MP PO 0.0 and PO 1.9
REV	VAL	SEC	DATE	MILE POST
000	RPD	FILE	188-24	BRANCH NUMBER
000	DATE	August 18, 2000		TA 00-0119