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SERVICE DATE – LATE RELEASE JANUARY 19, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 285X)

HIGH POINT, RANDLEMAN, ASHEBORO AND SOUTHERN RAILROAD  
COMPANY—ABANDONMENT EXEMPTION—IN GUILFORD COUNTY, NC

Decided: January 19, 2007

Norfolk Southern Railway Company (NSR) and High Point, Randleman, Asheboro and Southern Railroad Company (HPRAS), a majority-owned NSR subsidiary, filed a joint notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments and Discontinuances of Service, for NSR to discontinue service over, and for HPRAS to abandon, 1.5 miles of railroad between milepost M 0.0 and milepost M 1.5 in High Point, Guilford County, NC. Notice of the exemptions was served and published in the Federal Register on December 21, 2006 (71 FR 76724-25).<sup>1</sup> The exemptions are scheduled to become effective on January 20, 2007.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on December 26, 2006. In the EA, SEA indicates that the United States Environmental Protection Agency (USEPA), Region 4, submitted comments stating that the proposed abandonment is likely not an action subject to the National Pollution Discharge Elimination System (NPDES) permitting requirements. However, USEPA advises that a final determination regarding such requirements must be provided by the North Carolina Department of Environment and Natural Resources (NC DENR), which has been authorized to implement the NPDES permit program in North Carolina under section 402 of the Clean Water Act.

SEA states that NC DENR, Division of Water Quality (DWQ), provided comments indicating that it appears that the proposed abandonment would have minimal land impacts, but recommended that HPRAS contact the North Carolina Division of Land Resources (DLR) to assure compliance with state erosion and sedimentation control requirements that may apply. Accordingly, SEA recommends that a condition be imposed requiring HPRAS to consult with DLR prior to beginning any salvage activities regarding any potential requirements.

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<sup>1</sup> The notice that was served and published embraced STB Docket No. AB-290 (Sub-No. 276X), Norfolk Southern Railway Company—Discontinuance of Service Exemption—in Guilford County, NC.

SEA states that DWQ indicates that, if the proposed abandonment activities should require erosion and sedimentation control plan approval for land disturbance of one or more acres, HPRAS would also need to meet the requirements of DWQ's NPDES Stormwater Discharge permit. Accordingly, SEA recommends that a condition be imposed requiring HPRAS to consult with DWQ regarding applicable NPDES requirements prior to initiating any salvage activities.

SEA further states that DWQ also notes that HPRAS should consult with the staff of NC DENR's Winston-Salem Regional Office regarding potential impacts to surface waters or wetlands which could trigger water quality requirements through Federal or state programs (sections 404 and 401 of the Clean Water Act). Accordingly, SEA recommends that a condition be imposed requiring HPRAS to consult with the staff of the Winston-Salem Regional Office regarding its requirements prior to beginning any salvage activities.

Finally, SEA states that the National Geodetic Survey (NGS) provided comments stating that one geodetic station marker may be located in the area of the proposed abandonment. NGS requests 90 days' advance notice to relocate the station marker. Accordingly, SEA recommends that a condition be imposed requiring HPRAS to notify NGS at least 90 days prior to beginning salvage activities in order to plan for the possible relocation of the station marker.

Comments to the EA were due by January 10, 2007. SEA received a comment from the City of High Point, NC, on January 9, 2007. The City states that it fully supports the findings in the EA and is in favor of the proposed abandonment/discontinuance. SEA states that, based on the comment received, it does not recommend any changes to the conditions recommended in the EA.

Accordingly, the conditions recommended by SEA in the EA will be imposed. Based on SEA'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 21, 2006, exempting the abandonment/discontinuance of the line described above is subject to the conditions that HPRAS shall: (1) consult with DLR prior to beginning any salvage activities regarding applicable erosion and sedimentation control requirements; (2) consult with NC DENR-DWQ prior to beginning any salvage activities regarding applicable National Pollution Discharge Elimination System requirements; (3) consult with NC DENR's Winston-Salem Regional Office prior to beginning salvage activities regarding potential impacts to surface waters or wetlands; and (4) notify NGS at

least 90 days prior to beginning salvage activities in order to plan for the possible relocation of the identified station marker.

3. This decision is effective on its service date.

By the Board, Eric S. Davis, Acting Director, Office of Proceedings.

Vernon A. Williams  
Secretary