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SERVICE DATE - JANUARY 11, 2002

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

DOCKET NO. AB-290 (Sub-No. 219X)

**Norfolk Southern Railway Company – Abandonment Exemption – in Buchanan County,
VA**

BACKGROUND

In this proceeding, Norfolk Southern Railway Company (NS) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Buchanan County, Virginia. The line extends 2.23 miles from Milepost HS-0.0 at Oakwood, Virginia to Milepost HS-2.23 at Mills, Virginia. A map depicting the rail line in relationship to the area served is appended to the report. 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 NS, there has been no rail traffic on the line for the past two years. NS states that the land use in the area surrounding the rail line is 90 percent commercial and 10 percent residential. The rail line crosses Garden Creek and the 100-year floodplains and wetlands associated with this waterway. NS states that it does not intend to alter the contour of the roadbed during salvage, and that it has no plans to undertake in-stream work, with salvage activities to be performed in the right-of-way whenever possible.

ENVIRONMENTAL REVIEW

The applicant 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. The applicant served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The U.S. Fish and Wildlife Service (FWS) has submitted comments stating that two Federally listed endangered and/or threatened species, the Indiana bat and the Virginia spiraea,

have been documented in the adjacent county and may occur in Buchanan County. FWS also states that to minimize impacts to Buchanan County's valuable aquatic resources, NS should implement strict erosion control measures during salvage operations. If strict erosion control measures are taken, FWS believes that the proposed action will have no effect on Federally listed species.

In its environmental report, NS states that although there are no hazardous waste sites or sites of known hazardous material spills on the right-of-way of the proposed abandonment, "a derailment/coal spill occurred in 1989. On May 23 two rail cars derailed releasing approximately 50 tons of coal into Garden Creek staining the water black and clogging a drainage culvert. The records indicate that the spill was successfully abated."

CONDITIONS

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

The U.S. Fish and Wildlife Service (FWS) has indicated that two Federally listed endangered and/or threatened species have been documented in the adjacent county and may occur in Buchanan County. FWS also advises that to minimize impacts to the County's valuable aquatic resources, NS should implement strict erosion control measures during salvage operations. If these Federally listed species are encountered during salvage operations, Norfolk Southern Railway Company shall consult with FWS pursuant to the Endangered Species Act, 16 U.S.C. 1531 et seq.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended condition is 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 CFR 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 the petition for 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 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, 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, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Rini Ghosh, who prepared this environmental assessment. **Please refer to Docket No. AB-290 (Sub-No. 219X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Rini Ghosh, the environmental contact for this case by phone at (202) 565-1539, fax at (202) 565-9000, or e-mail at ghoshr@stb.dot.gov.

Recent events involving a principal postal facility within Washington, D.C., may affect for a period of time the receipt of materials mailed to the Board, as well as customer receipt of reply mail sent from the Board. Until the timely delivery of mail has been reestablished, the Section of Environmental Analysis (SEA) requests that individuals filing comments regarding this or other environmental assessments take the following additional steps to ensure receipt of their correspondence during the comment period:

1. Telephone or e-mail the environmental contact indicated above prior to the close of the comment period and inform them that you have mailed a comment.
2. If the comment has not been received, the environmental contact will discuss alternative modes of delivery.
3. Retain a copy of your comment for your records should alternative modes of delivery need be necessary.

SEA is committed to carrying out its duties to the public and regrets any inconvenience these new procedures may cause.

Date made available to the public: **January 11, 2002.**

Comment due date: January 25, 2002.

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

Vernon A. Williams
Secretary

Attachment

Map to be scanned