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SEA

SERVICE DATE – DECEMBER 26, 2006

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-290 (Sub-No. 285X)
**High Point, Randleman, Asheboro and Southern Railroad Company – Abandonment
Exemption – In Guilford County, NC**

and

STB Docket No. AB-290 (Sub-No. 276X)
**Norfolk Southern Railway Company – Discontinuance of Service Exemption – In Guilford
County, NC**

BACKGROUND

In this proceeding, Norfolk Southern Railway Company (NSR) and High Point, Randleman, Asheboro and Southern Railroad Company (HPRAS) (collectively, Railroads) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for NSR to discontinue service over and HPRAS to abandon a line of railroad in Guilford County, North Carolina. The portion of the rail line proposed for abandonment and discontinuance of service extends 1.5 miles from milepost M 0.0 to milepost M 1.5 in High Point (the Line). A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, HPRAS will be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

ENVIRONMENTAL REVIEW

The Railroads submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment and discontinuance of service or any post-abandonment activities, including salvage and disposition of the right-of-way. The Railroads 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 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to the Railroads, no local traffic has moved over the Line for at least two years and all overhead traffic was rerouted years ago. Therefore, the proposed abandonment and

discontinuance of service 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 cause 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 re-grading 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.

According to the Railroads, the Line is in an urbanized and commercial area within the City of High Point, North Carolina. The right-of-way is 25 feet in width on each side of the main track centerline. The Railroads state that the Line has not been in use for many years and that a significant amount of track material has been removed and/or has been buried; no grade crossings remain.

The Railroads indicate that they have received no inquiries about public use of the right-of-way and are unaware of the suitability of the Line for public non-rail purposes. However, in comments it provided to the Railroads, the City of High Point indicates that that it is wholly in support of the proposed abandonment and discontinuance of service which it says would move forward several of its planned projects including but not limited to: expansion of a City parking facility adjacent to the Line's right-of-way; nearby street and intersection improvements; an extension of Ward Avenue which crosses the Line's right-of-way; possible expansion of the Guilford Technical Community College Campus; and possible expansion of the Marsh Furniture Campus located at the intersection of Centennial Street and Main Street. Guilford County also provided comments supportive of the proposed abandonment stating that it is consistent with future land use plans including expansion of area transit services.

The Natural Resources Conservation Service submitted comments to the Railroads indicating that there would be no adverse effects to agricultural resources that would result from the proposed abandonment and discontinuance of service.

The United States Fish and Wildlife Service (USFWS) submitted comments stating that the proposed abandonment and discontinuance of service would not affect listed endangered or threatened species under its jurisdiction and currently protected by the Endangered Species Act.

The United States Army Corps of Engineers (Corps) has not submitted comments to the Railroads regarding any Department of the Army Permit requirements for the proposed abandonment and discontinuance of service. However, the Railroads indicate that the Line crosses no waterways and that no in-stream work is planned during any salvage activities following abandonment. Furthermore, the Railroads state that no discernable effects on either 100-year floodplains or adjacent wetlands are expected in connection with the proposed

abandonment and discontinuance of service and no impacts to jurisdictional waters or wetlands under Corps control are anticipated. SEA will ensure that the Corps is added to the service list for this proceeding and receives a copy of this EA for its review and comment.

The United States Environmental Protection Agency (USEPA), Region 4 submitted comments stating that the proposed abandonment and discontinuance of service is likely not an action subject to 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 (CWA).

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

DWQ states in its comments that if the proposed abandonment activities would require erosion and sedimentation control plan approval for land disturbance of one acre or more, the Railroads would also need to meet the requirements of DWQ's NPDES Stormwater Discharge permit. Accordingly, we are recommending that a condition be imposed upon any decision granting abandonment and discontinuance of service authority requiring HPRAS to consult with DWQ regarding applicable NPDES requirements prior to initiating any salvage activities.

DWQ further noted in its comments that the Railroads should consult with staff of the NCDENR'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 CWA). Accordingly, we are recommending that a condition be imposed upon any decision granting abandonment and discontinuance authority requiring HPRAS to consult with staff of the Winston-Salem Regional Office regarding its requirements prior to beginning any salvage activities.

The National Geodetic Survey (NGS) provided comments stating that 1 geodetic station marker may be located in the area of the proposed abandonment and discontinuance of service. NGS requests 90 days advance notice to relocate the station marker. Accordingly, we will recommend that a condition be imposed upon any decision granting abandonment and discontinuance authority requiring HPRAS to notify NGS at least 90 days prior to beginning salvage activities in order to plan for the possible relocation of the geodetic station marker identified by NGS.

SEA 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 and discontinuance of service.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. SEA is providing a copy of this EA to the City of High Point, Guilford County, DWQ, DLR, EPA, FWS, the Corps, the Winston-Salem Regional Office, NGS, and the State Clearinghouse for review and comment.

HISTORIC REVIEW

The Railroads submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the North Carolina State Historic Preservation Office (State Historic Preservation Office or SHPO) pursuant to 49 CFR 1105.8(c). A copy of the historic report was also sent to the North Carolina Department of Administration (Clearinghouse). The historic report states that there are no historic properties (structures or bridges) within the Line's right-of-way (also the Area of Potential Effect, APE). In response to the historic report, the SHPO provided a form to the Clearinghouse in which it checked a "no comment box" regarding the proposed abandonment and discontinuance of service. On December 11, 2006, SEA contacted Renee Gledhill-Early, SHPO Environmental Review Coordinator, who stated that the SHPO "no comment" determination provided to the Clearinghouse indicated its opinion that the abandonment and discontinuance of service would have no effect on historic properties.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing Section 106 of the National Historic Preservation Act at 36 CFR 800, we have determined, in consultation with the SHPO, that the proposed abandonment and discontinuance of service will not adversely affect historic properties listed in or eligible for inclusion in the National Register of Historic Places. The documentation for this finding, as specified at 36 CFR 800.11(e), 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 web site at <http://www.stb.dot.gov>.

SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area; no tribes were listed.

CONDITIONS

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

- 1. High Point, Randleman, Asheboro and Southern Railroad Company shall notify the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities in order to plan for the possible relocation of the geodetic station marker identified by NGS.**
- 2. High Point, Randleman, Asheboro and Southern Railroad Company shall consult with the North Carolina Division of Land Resources prior to beginning any salvage activities regarding applicable erosion and sedimentation control requirements.**
- 3. High Point, Randleman, Asheboro and Southern Railroad Company shall consult with the North Carolina Department of Environment and Natural Resources' Winston-Salem Regional Office prior to beginning salvage activities regarding potential impacts to surface waters or wetlands.**
- 4. High Point, Randleman, Asheboro and Southern Railroad Company shall consult with the North Carolina Department of Environment and Natural Resources, Division of Water Quality prior to beginning any salvage activities regarding applicable National Pollution Discharge Elimination System requirements.**

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are imposed, the proposed abandonment and discontinuance of service will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment and discontinuance of service 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 discontinuance of service and salvage of the 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 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 (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 Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this EA, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, who prepared this EA. Environmental comments may also be filed electronically on the Board's web site, <http://www.stb.dot.gov>, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-290 (Sub-No. 285X) and Docket No. AB-290 (Sub-No. 276X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 565-1542, fax at (202) 565-9000, or e-mail at gliddenc@stb.dot.gov.

Date made available to the public: December 26, 2006.

Comment due date: January 10, 2007.

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

Vernon A. Williams
Secretary

Attachment