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SERVICE DATE – JULY 22, 2005

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-290 (Sub-No. 261X)**

**Norfolk Southern Railway Company – Abandonment Exemption –  
in Spartanburg, SC**

**BACKGROUND**

In this proceeding, Norfolk Southern Railway Company (NSR) 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 Spartanburg County, South Carolina. The line extends approximately 1.92 miles from former milepost W 68.69 to former milepost W 70.61 in Spartanburg.<sup>1</sup> 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 NSR, the land use in the area of the proposed abandonment is 35 percent unimproved, 35 percent industrial, 25 percent residential, and 5 percent public buildings. NSR states that no local or overhead traffic has moved on the line for at least two years and any overhead traffic could be rerouted over other lines. NSR states that it plans to convey the right-of-way underlying the line to the Palmetto Conservation Foundation for interim trail use.

**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 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)]. SEA has reviewed and investigated the record in this proceeding.

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<sup>1</sup> NSR states that the mileposts for the line are described as “former” mileposts because a new main line around Spartanburg replaced the line proposed for abandonment as the main line at Spartanburg many years ago and the milepost numbers were reused, without new milepost designations being given to the line proposed for abandonment.

As stated above, no traffic has moved on the line segment within the last two years. Accordingly, the proposed abandonment 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 result in significant impacts to air quality or the local transportation network.

NSR states that it does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned. According to NSR, the disturbed area would be kept to a minimum and limited to the right-of-way wherever possible.

The South Carolina Department of Health and Environmental Control's Bureau of Water (BW) submitted comments stating that it administers applicable regulations pertaining to water quality standards and classifications, including wetland protection, in accordance with the South Carolina Pollution Control Act, the Federal Clean Water Act, the State Stormwater Management and Sediment Reduction Act, and associated regulations for all those statutes. BW states that any placement of fill material into waters of the state, including jurisdictional wetlands, would require certification by BW and a U.S. Army Corps of Engineers permit. BW also states that if a state land disturbance permit from the Sediment, Erosion and Stormwater program is required, the placement of fill material into non-jurisdictional wetlands would require compensation for the impacts to those wetlands. In addition, a Navigable Waters Permit would also be required for all construction within navigable waters of South Carolina. BW also recommends that the South Carolina Department of Health and Environmental Control's Bureau of Land and Waste Management (BLWM) be contacted regarding the disposal of debris.

NSR states that there are no waterways associated with the line. However, based on the comments of the BW, we will recommend a condition requiring NSR to consult with BW and BLWM prior to beginning salvage activities.

## **HISTORIC REVIEW**

NSR submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)] and served the report on the South Carolina Archives and History Center (the State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected by the proposed abandonment. We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the section 106 process of the National Historic Preservation Act at 36 CFR 800.4(d) and 36 CFR 800.8, we have determined that the proposed abandonment will not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of NSR's historic report, all relevant

correspondence, and this Environmental Assessment, which have been provided to the SHPO and made available to the public.

### **CONDITIONS**

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

Norfolk Southern Railway Company shall consult with the South Carolina Department of Health and Environmental Control's Bureau of Water and Bureau of Land and Waste Management prior to beginning salvage activities.

### **CONCLUSIONS**

Based on the information provided from all sources to date, SEA concludes 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 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). As discussed above, NSR plans to convey the right-of-way to the Palmetto Conservation Foundation for interim trail use.

## **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 environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Rini Ghosh, who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-290 (Sub-No. 261X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please 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](mailto:ghoshr@stb.dot.gov).

Date made available to the public: July 22, 2005.

**Comment due date: August 8, 2005.**

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

Vernon A. Williams  
Secretary

Attachment