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SERVICE DATE - MAY 8, 1998

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423
ENVIRONMENTAL ASSESSMENT**

**DOCKET NO. AB-290 (Sub. No. 200X) - Norfolk and Western
Railway Company - Abandonment -
Between Duty and Clinchfield Coal,
Dickenson and Buchanan Counties, Virginia**

BACKGROUND

In the above entitled proceeding, Norfolk and Western Railway Company(NW)has 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 its line of railroad between Milepost CL-13.56 at Duty and Milepost CL-16.90 at Clinchfield Coal, a distance of 3.3 miles in Dickenson and Buchanan Counties, 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 NW, the land use along the right-of-way is 90 percent forest and 10 percent residential. No traffic has moved over the line for two years and none is anticipated.

ENVIRONMENTAL REVIEW

NW 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. MW 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.

Generally, all agencies responded that there would be minimal environmental impacts associated with abandonment and salvage. However, the Virginia Department of Environmental Quality expressed concern about water quality and air quality during salvage operations. Specifically, if NW performs in-stream

salvage during certain conditions, a Virginia Water Protection Permit will be required. NW should employ strict soil and erosion control methods during salvage operations in and around Indian Creek. All wetlands should be avoided. During salvage, NW is required to control fugitive air emissions and any land clearing debris must be disposed of in an approved manner. NW must comply with Virginia open burning and fugitive air emission regulations.

To ensure compliance with the Virginia regulations protecting water quality and air quality during salvage operations, we will recommend that a condition be imposed on any decision granting abandonment authority requiring NW to consult with the Virginia Department of Environmental Quality prior to beginning salvage operations.

CONDITIONS

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

NW shall consult with the Virginia Department of Environmental Quality, Southwest Regional Office, prior to any salvage operations, to determine whether a Virginia Water Protection Permit will be required and to ensure compliance with Virginia's regulations protecting soil erosion, wetlands and air quality.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, subject to the recommended condition, and as currently proposed, 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

If abandonment and salvage of the rail line does take place, 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 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 10 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 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 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 Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Dana White, who prepared this environmental assessment. **Please refer to Docket No. AB-290 (Sub No. 200X) in all correspondence addressed to the Board. Questions regarding this environmental assessment should be referred to Dana White at (202) 565-1552.**

Date made available to the public: May 8, 1998.

Comment due date: **May 22, 1998 (15 days).**

By the Surface Transportation Board, Elaine K. Kaiser,
Chief, Section of Environmental Analysis.

Vernon A. Williams

Secretary

Attachment

PLEASE SCAN MAP