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SEA

SERVICE DATE – NOVEMBER 17, 2006

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-290 (Sub-No. 281X)

**Yadkin Railroad Company – Abandonment Exemption –
in Stanly County, NC**

and

STB Docket No. AB-290 (Sub-No. 270X)

**Norfolk Southern Railway Company – Discontinuance of Service Exemption –
in Stanly County, NC**

BACKGROUND

In this proceeding, Norfolk Southern Railway Company (NSR) and Yadkin Railroad Company, a wholly-owned subsidiary of NSR (Yadkin) (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 Yadkin to abandon a line of railroad in Stanly County, North Carolina. The portion of the rail line proposed for abandonment and discontinuance of service extends 4.14 miles from milepost N 27.50 in North Albemarle to milepost N 31.64 in Albemarle (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, Yadkin will be able to salvage track, ties and other railroad appurtenances and to 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 traffic has originated, terminated, or moved overhead on the Line for at least two years. The Railroads state that if there were overhead traffic on the Line, it could be rerouted over other rail lines. Accordingly, 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 result in 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 regrading 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.

The Railroads state that the Line has been unused for many years and rail and track materials have been removed at several locations along the Line. The right-of-way width is 50 feet on each side of the main track centerline and the Line passes through commercial, residential and agricultural areas.

According to the Railroads, several grade crossings on the Line have been removed as well (the crossing at Russell Street at milepost N 28.30, the signals and crossing materials at U.S. Highway 52 at milepost N 29.60, the signals and crossing at Salisbury Avenue at milepost N 30.0, the crossing at Main Street at milepost N 30.90, and the crossing at Aquadale Road at milepost N 31.40 (the crossbuck remains)).¹ The Railroads state that the portion of the Line from milepost N 27.50 (just south of Bethany Road) to milepost N 29.60 (up to the U.S. Highway 52 crossing) would be reclassified as an industrial lead track and left in place for future industrial activities following abandonment. Rail and track materials would be salvaged on the remaining segment of the Line between milepost N 29.60 and the end of the Line at milepost N 31.64. However, SEA has considered the potential environmental impacts that could arise in the event that salvage activities are conducted over the entire Line.

The Natural Resources Conservation Service submitted comments stating that prime agricultural land lies under and adjacent to the Line; the abandonment and discontinuance of service would not negatively affect this land unless it would cause the prime agricultural land to be inaccessible. SEA believes that the proposed salvage activities, as described by the Railroads, would not make this land inaccessible, and thus, there would be no negative effects on prime agricultural land as a result of the abandonment and discontinuance of service.

¹ Appendix D to the Railroads' environmental report indicates that the U.S. Highway 52 crossing is at milepost N 29.65 and the Salisbury Avenue crossing is at milepost N 30.05.

The U.S. Fish and Wildlife Service submitted comments stating that it does not believe that the proposed abandonment and discontinuance of service is likely to adversely affect any Federally listed endangered or threatened species and that the requirements of Section 7 of the Endangered Species Act are fulfilled.

The U.S. Army Corps of Engineers submitted comments stating that the proposed abandonment and discontinuance of service would not impact jurisdictional waters or wetlands.

The North Carolina Department of Environment and Natural Resources, Division of Water Quality (DWQ) submitted comments stating that it appears that the proposed abandonment and discontinuance of service would cause minimal land disturbance. However, DWQ indicates that state erosion and sedimentation control requirements might be applicable. DWQ suggests that the Railroads contact the North Carolina Division of Land Resources (DLR) regarding such requirements. Accordingly, we will recommend that a condition be imposed upon any decision granting abandonment authority requiring Yadkin to consult with DLR prior to beginning any salvage activities regarding applicable erosion and sedimentation control requirements.

DWQ also states that if the proposed abandonment activities would require erosion and sediment control plan approval for land disturbance of one acre or more, the Railroads would also need to meet the requirements of DWQ's National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge permit. Thus, we will recommend that a condition be imposed upon any decision granting abandonment authority requiring Yadkin to consult with DWQ prior to beginning any salvage activities regarding applicable NPDES requirements.

The Railroads state that the Line crosses three small waterways at milepost N 29.50, milepost N 29.90, and milepost N 31.50. According to the Railroads, the track at milepost N 29.50 would be retained as part of the industrial lead track, and the bridge at milepost N 31.50 is covered with dense vegetation and the rail leading up to it is missing, so no salvage activities would take place in the vicinity of those two bridges. As for the bridge at milepost N 29.90, the Railroads state that salvage activities would occur in that area, but the geometry of the roadbed would not be altered and no in-stream work is contemplated.

DWQ submitted comments stating that the Railroads should consult with the staff in the North Carolina Department of Environment and Natural Resources' Mooresville Regional Office (Mooresville Regional Office) regarding potential applicable requirements for impacts to surface waters or wetlands that could be caused by the Railroads' potential bridge removal activities. The North Carolina Department of Environment and Natural Resources also submitted a form through the North Carolina Department of Administration (State Clearinghouse) that indicated that any open burning activities or demolition of structures containing asbestos during salvage must be in compliance with specific state regulations, that an erosion and sedimentation control plan would be required if one or more acres are to be disturbed, and that the Mooresville Regional Office should be consulted regarding any questions. Accordingly, we will recommend that a condition be imposed upon any decision granting abandonment authority requiring Yadkin

to consult with the Mooresville Regional Office prior to beginning any salvage activities regarding potential impacts to surface waters or wetlands from the proposed bridge removal activities and applicable requirements, and any other applicable requirements.

Stanly County submitted comments stating that it is supportive of keeping the track on the Line from milepost N 27.5 to the U.S. Highway 52 as industrial lead track, since it appears that this portion of the Line may be needed for industrial shippers at some point in the future. The county has no objections to removal and salvage of the Line south of the U.S. Highway 52 crossing.

The City of Albemarle submitted comments stating that the proposed abandonment and discontinuance of service is consistent with existing land use plans and official local and regional planning documents. The city stated that it supports reclassification of the Line between milepost N 27.50 and milepost N 29.60 into industrial lead track; if this portion of the Line is not feasible for industrial lead track in the future, the city requests the opportunity to convert it into a greenway. The city indicated that it desires to incorporate the portions of the Line that would be salvaged into its greenway system.

The North Carolina Department of Environment and Natural Resources, Conservation Incentive Program (CIP) submitted comments stating that it supports the city's interest in creating a public use trail on the abandoned right-of-way. According to CIP, retaining part of the Line as an industrial lead track would diminish the potential benefits of a trail, and CIP hopes that the Railroads will be flexible if requested to consider rail with trail opportunities along the portion of the Line that the Railroads plan to use as industrial lead track. CIP notes that a Federal Energy Regulatory Commission (FERC) license agreement with Alcoa offers the State of North Carolina the right of first refusal on Alcoa's rail corridor between Badin and Halls Ferry Junction, which terminates less than three miles north of the Line in this proposed abandonment and discontinuance of service. Thus, according to CIP, should Alcoa's rail line be abandoned during the duration of the FERC license, a rail to trail conversion would likely occur on that right-of-way, and connecting that corridor with the Line as one overall trail would become a priority for the state.

The National Geodetic Survey (NGS) provided comments stating that 15 geodetic station markers may be located in the area of the proposed abandonment and discontinuance of service. NGS requests 90 days advance notice to relocate the station markers. Accordingly, we will recommend that a condition be imposed upon any decision granting abandonment authority requiring Yadkin to notify NGS at least 90 days prior to beginning salvage activities in order to plan for the possible relocation of the geodetic station markers 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.

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 DWQ, DLR, the Mooresville Regional Office, Stanly County, the City of Albemarle, CIP, NGS, and the State Clearinghouse for review and comment.

HISTORIC REVIEW

The Railroads served the historic report on the North Carolina State Historic Preservation Office (State Historic Preservation Officer or SHPO), pursuant to 49 CFR 1105.8(c). According to the report, there are three bridges on the Line that are 50 years old or older. The report indicates that Yadkin Railroad Company was incorporated in 1871 to connect Salisbury, North Carolina to the rail line of the Cheraw and Salisbury Railroad Company at Wadesboro, North Carolina and provides more detailed information about the history of the Line. The SHPO provided comments stating that the proposed abandonment and discontinuance of service would have no effect upon historic structures.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the National Historic Preservation Act, in consultation with the SHPO we have determined that the proposed abandonment and discontinuance of service will not 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(d), consists of the Railroads' historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

SEA conducted a search of the Native American Consultation Database at <http://www.nps.gov/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area and identified no tribes that may have an interest in the proposed abandonment and discontinuance of service.

CONDITIONS

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

1. Yadkin 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.
2. Yadkin 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 Pollutant Discharge Elimination System requirements.

3. Yadkin Railroad Company shall consult with the North Carolina Department of Environment and Natural Resources' Mooresville Regional Office prior to beginning any salvage activities regarding potential impacts to surface waters or wetlands from the proposed bridge removal activities and applicable requirements, and any other applicable requirements.
4. Yadkin 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 markers identified by NGS.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of and discontinuance of service over 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 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 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).

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, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-290 (Sub-No. 281X)/AB-290 (Sub-No. 270X) 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.

Date made available to the public: November 17, 2006.

Comment due date: December 4, 2006.

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

Vernon A. Williams
Secretary

Attachment