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OEA

SERVICE DATE – FEBRUARY 14, 2014

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 290 (Sub-No. 351X)

**Norfolk Southern Railway Company – Abandonment Exemption –
in Botetourt County, Va.**

BACKGROUND

In this proceeding, Norfolk Southern Railway Company (NSR) filed a petition under 49 C.F.R. § 1152 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Botetourt County, Virginia. The rail line proposed for abandonment extends approximately 0.71 miles between milepost C 8.19 and milepost C 8.90 in the community of Troutville, Virginia (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, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

NSR submitted an Environmental Report that concludes the quality of the human environment would 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 Report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

NSR states that it is seeking authority to abandon the Line at the request of a shipper, Roanoke Cement Company LLC (Roanoke Cement), a wholly owned subsidiary of Titan American LLC (Titan American). Roanoke Cement has requested that NSR abandon the Line in order to facilitate the expansion of Roanoke Cement's industrial facility. Roanoke Cement is the

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 290 (Sub-No. 334X).

only active shipper on the Line. NSR states that the Line is stub-ended and not capable of handling overhead traffic.

If the proposed abandonment is approved, NSR states that Roanoke Cement would continue to receive rail service via the NSR rail network. 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.

Salvage Activities

If abandonment authority is granted in this proceeding, NSR states that it would salvage rail, track, and related material. The contour of the existing underlying roadbed would remain intact and existing drainage systems would not be altered. Following salvage, the ballast would be levelled. No ballast would be removed, no digging or burying would occur, and no soil would be disturbed. One short bridge located on the Line would be removed.

If the abandonment is approved, Roanoke Cement intends to acquire the right-of-way in order to facilitate the expansion of its industrial facility. The expansion of the facility is not analyzed in this EA because the Board does not have the authority to regulate private post-abandonment activities. Roanoke Cement has submitted comments stating that it intends to expand its facility regardless of the proposed abandonment and, accordingly, OEA does not consider the expansion to be a direct or indirect impact resulting from the proposed abandonment. The facility expansion project was the subject of an environmental review conducted by the U.S. Army Corps of Engineers (the Corps) during the permitting phase of that project.

In response to NSR's request for comment on the abandonment, the Botetourt County Board of Supervisors (Botetourt County) submitted comments stating that the proposed abandonment would be consistent with existing local land use plans. Botetourt County also states that the abandonment would remove a curve in the rail line that currently prevents certain freight cars from servicing the Roanoke Cement facility.

The U.S. Natural Resource Conservation Service (NRCS) submitted comments stating that the proposed abandonment would not result in the conversion of prime farmland. Accordingly, no mitigation regarding the conservation of agricultural land is recommended.

In its review of available geospatial data, OEA has concluded that the Line does not cross and is not immediately adjacent to any wetlands.² The Line crosses one small stream; however, given the limited scope of proposed salvage activities, specifically the absence of any anticipated

² U.S. Fish and Wildlife Service, National Wetlands Inventory, <http://www.fws.gov/wetlands/> (last visited February 10, 2014).

disturbance of soil or hydrological features, OEA believes that negative impacts to waterways are unlikely to occur as a result of the proposed abandonment.

NSR requested comments from the U.S. Environmental Protection Agency (USEPA) and the Virginia Department of Environmental Quality (VDEQ) regarding the need for a pollutant discharge permit under Section 402 of the Clean Water Act (33 U.S.C. § 1251). In its response, VDEQ states that a Section 402 permit would not be required. Because the proposed abandonment would not result in the discharge of pollutants, disturb any soils, or alter the existing drainage systems, OEA concurs with VDEQ and NSR that a Section 402 permit would not be required. Accordingly, no mitigation regarding water quality is recommended.

NSR requested comments from the Corps regarding the need for a permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344). In its response, the Corps states that a permit would not be required. Because no wetlands are located in the vicinity of the Line, and because the proposed abandonment would not result in the discharge of dredge or fill material into any waterway, OEA concurs with the Corps and NSR that a Section 404 permit would not be required. Accordingly, no mitigation regarding potential impacts to wetlands or waterways is recommended.

NSR states that it has no knowledge of any hazardous waste sites or sites where hazardous material spills have occurred on or adjacent to the right-of-way. OEA's review has confirmed that there are no federally listed Superfund sites in the vicinity of the Line.³ Accordingly, no mitigation regarding hazardous waste sites or hazardous material spills is recommended.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. § 1536), OEA conducted a search of the U.S. Fish and Wildlife Service (USFWS) Endangered Species Database to identify any federally listed endangered or threatened species that may be affected by the proposed abandonment.⁴ The table below shows the protected species known or thought to occur in the county in which the proposed abandonment is located.

³ Environmental Protection Agency, NEPAAssist, <http://nepassisttool.epa.gov/nepassist/entry.aspx> (last visited February 10, 2014).

⁴ U.S. Fish and Wildlife Service, Endangered Species Database, <http://ecos.fws.gov/ecos/indexPublic.do> (last visited February 10, 2014).

Protected Species in Botetourt County, Virginia			
Group	Common Name	Scientific Name	Status
Mammals	Virginia Long-Eared Bar	<i>Myotis septentrionalis</i>	Endangered
Fishes	Roanoke logperch	<i>Percina rex</i>	Endangered
Clams	James spinymussel	<i>Pleurobema collina</i>	Endangered
Crustaceans	Madison Cave isopod	<i>Antrolana lira</i>	Threatened
Flowering Plants	Smooth coneflower	<i>Echinacea laevigata</i>	Proposed
			Endangered

To date, USFWS has not provided substantive comments regarding the potential impact of the proposed abandonment on these protected species. Because the Line is located in an area that has been heavily affected by ongoing quarrying activity at Roanoke Cement’s facility, OEA believes it is unlikely that any federally listed threatened or endangered species are present in the immediate project area. Because salvage would be limited in scope and confined to the existing rail right-of-way, OEA does not anticipate adverse impacts to any species that may be present. OEA is sending a copy of this EA to USFWS for review and comment.

NSR has requested comments from the National Park Service (NPS) regarding the potential impact of the proposed abandonment on wildlife sanctuaries or refuges, parks, or other protected areas, but has received no response to date. In its review of available geospatial data, OEA has concluded that the proposed abandonment is not located in or adjacent to any local or national park; wildlife sanctuary or refuge; or other protected area. Accordingly, no mitigation regarding protected areas is recommended.

The National Geodetic Survey (NGS) has not submitted comments regarding the potential impact of the proposed abandonment to any geodetic survey markers that may be present in the project area. Accordingly, OEA is recommending a condition requiring the NSR to consult with NGS prior to beginning salvage activities.

OEA 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, OEA does not believe that the proposed abandonment would cause significant environmental impacts. OEA is providing a copy of this EA to USFWS for that agency’s review and comment.

HISTORIC REVIEW

According to NSR, the Line was originally planned as part of the Cloverdale and Catawba Furnace Railroad (CCFR), but that railroad was never constructed. In 1949 and 1950, Roanoke Cement adopted CCFR's abandoned plans and constructed an industrial spur, known as the Lone Star spur, extending from the Norfolk and Western Railway Company (N&W) Roanoke-Hagerstown main line at Cloverdale to their cement quarry. The Line was constructed as part of the Lone Star Spur. In 1951, N&W acquired the Lone Star Spur and redesignated it as the Cloverdale Branch. In 1982, N&W, along with Southern Railway Company, became subsidiaries of Norfolk Southern Corporation. In 1990, N&W was consolidated into SR, which changed its name to NSR.

There is one bridge on the Line, located at approximately Milepost C 8.48. The bridge is approximately 22 feet in length and, according to NSR, was constructed in 1949. NSR states that the bridge is similar to those used throughout the region and on the NSR system generally.

NSR served the Historic Report, including topographic maps of the rail right-of-way (the Area of Potential Effect or APE), on the Virginia Department of Historic Resources (State Historic Preservation Officer or SHPO), pursuant to 49 C.F.R. § 1105.8(c). In response, the SHPO requested additional information before providing comments regarding the potential effect of the proposed abandonment on historic resources. Specifically, the SHPO requested an additional map of the APE for direct and indirect effects of the proposed abandonment. The SHPO states that indirect effects of the proposed abandonment would include Roanoke Cement's planned expansion of its industrial facility. The SHPO also requests that NSR perform a search of the SHPO's archives for the area within the APE for direct and indirect effects.

OEA does not consider the expansion of Roanoke Cement's industrial facility to be an indirect effect of the proposed abandonment. As noted above, OEA has received a letter from Titan American on behalf of Roanoke Cement, its wholly owned subsidiary, stating that the expansion of the facility will proceed with or without the abandonment of the Line.

In its letter, Titan American also notes that Roanoke Cement previously sought the SHPO's comments regarding its facilities expansion during the course of applying for a Corps permit under Section 404 of the Clean Water Act. NSR has provided OEA with the comments that the SHPO issued during the historic assessment of the facilities expansion. In those comments, the SHPO states that no resources listed in or eligible for listing in the National Register of Historic Places (the National Register) would be adversely affected by the facilities expansion. For the purposes of the SHPO's assessment, the APE of the facilities expansion includes the rail right-of-way proposed for abandonment in the present proceeding.

OEA notes that the proposed abandonment constitutes a new federal undertaking under Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f). In consultation with the SHPO, we have determined that the historical research undertaken during the permitting process for the expansion of Roanoke Cement's industrial facility is not sufficient to make a determination regarding the potential impacts of the proposed abandonment on historic

resources. OEA has advised NSR to provide the additional information requested by the SHPO in order to permit the SHPO to issue its opinion.

Because the SHPO has not provided an opinion on the undertaking in this proceeding, OEA is recommending a condition requiring NSR to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the APE eligible for listing or listed in the National Register until the Section 106 process has been completed. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the National Park Service Native American Consultation Database to identify federally recognized tribes that may have ancestral connections to the project area.⁵ The search did not identify any federally recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment.

CONDITIONS

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

- 1. Prior to the commencement of any salvage activities, Norfolk Southern Railway Company (NSR) shall consult with the National Geodetic Survey (NGS). If NGS identifies geodetic station markers that may be affected by the proposed abandonment, NSR shall notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers in order to plan for the possible relocation of the geodetic station markers by NGS.**
- 2. Norfolk Southern Railway Company (NSR) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed. NSR shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Virginia Department of Historic Resources (State Historic Preservation Officer or SHPO) and the public. NSR may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.**

⁵ National Park Service, National NAGPRA Program Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited January 24, 2014).

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the Line would 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 would 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 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

Requests for a notice of interim trail use (NITU) are 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 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, 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 Joshua Wayland, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-290 (Sub-No. 351X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Joshua Wayland, the environmental

contact for this case, by phone at (202) 245-0330, fax at (202) 245-0454, or e-mail at waylandj@stb.dot.gov.

Date made available to the public: February 14, 2014

Comment due date: March 17, 2014

By the Board, Victoria Rutson, Director, Office of Environmental Analysis