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SEA

SERVICE DATE – DECEMBER 29, 2006

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-290 (Sub-No. 272X)

**Norfolk Southern Railway Company – Abandonment Exemption –
in McDowell County, West Virginia**

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 for NSR to abandon a line of railroad in McDowell County, West Virginia. The rail line proposed for abandonment extends 2.5 miles from milepost CB 0.0 to milepost CB 2.5 in Caretta, McDowell County, West 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, NSR 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 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 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 NSR, no traffic has originated, terminated, or moved overhead on the Line for at least two years. NSR states that if there were overhead traffic on the Line, it could be rerouted over other rail lines. 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

NSR states that the Line has been dormant for many years and a customer has proposed to acquire the Line following abandonment for use as a private track. Thus, NSR does not plan to conduct salvage activities as part of the proposed abandonment. However, SEA has considered the potential environmental impacts in the event that the Line is not sold for continued rail use and salvage activities are conducted over the Line.

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 right-of-way width ranges from 30 feet to 80 feet on each side of the main track centerline, with the majority of the right-of-way being 30 feet wide. According to NSR, the Line traverses mainly commercial and undeveloped areas.

The Natural Resources Conservation Service submitted comments stating that there are no prime agricultural lands located in the area of the proposed abandonment.

The U.S. Fish and Wildlife Service submitted comments stating that no Federally listed endangered and threatened species are expected to be impacted by the proposed abandonment and no further consultation under Section 7 of the Endangered Species Act is required.

The West Virginia Department of Environmental Protection submitted comments stating that a West Virginia National Pollutant Discharge Elimination System permit would not be required for the proposed abandonment.

The U.S. Army Corps of Engineers submitted comments stating that because it appears that the abandonment would not involve placing fill into waters of the United States, authorization pursuant to Section 404 of the Clean Water Act would not be required.

The McDowell County Floodplain Manager submitted comments stating that because no fill materials would be used in or near a stream as part of the abandonment, there would be no adverse impacts to the known floodplain as a result of the abandonment.

The National Geodetic Survey submitted comments stating that no geodetic survey markers are located in the area of the proposed abandonment.

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.

HISTORIC REVIEW

NSR served the historic report on the West Virginia Division of Culture and History (State Historic Preservation Officer or SHPO), pursuant to 49 CFR 1105.8(c). According to the report, there are five bridges on the Line that are 50 years old or older. The report indicates that the Caretta Railway Company was chartered in West Virginia in 1906 to build a railroad in McDowell County, West Virginia, and provides more detailed information about the history of the Line.

The SHPO provided initial comments stating that the Norfolk Southern Railway is an important historic transportation resource in the development of the lumber and coal industry for southern West Virginia and McDowell County and meets the 50-year criteria for evaluation for inclusion in the National Register of Historic Places (National Register). The SHPO requested that NSR provide more detailed information for each of the bridges on the Line.

NSR provided the requested information to the SHPO and the SHPO indicated that because NSR would not be removing any track or bridges and would sell the right-of-way to a private party, the abandonment would have no effect on architectural resources that are eligible for or listed in the National Register. The SHPO stated that no further consultation was required.

SEA spoke with Ms. Ginger Williford, Structural Historian in the SHPO's office on December 14, 2006. Ms. Williford indicated that if NSR decided to conduct salvage activities as part of the proposed abandonment, consultation pursuant to Section 106 of the National Historic Preservation Act should be reinitiated prior to any salvage activities taking place.

Thus, pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the National Historic Preservation Act (NHPA), in consultation with the SHPO, we have determined that the abandonment as proposed 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 EA, which have been provided to the SHPO and made available to the public. However, in the event that NSR decides to conduct salvage activities as part of the proposed abandonment, we recommend that a condition be imposed requiring NSR to reinitiate consultation pursuant to Section 106 of the NHPA prior to beginning any salvage activities.

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.

CONDITIONS

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

In the event Norfolk Southern Railroad Company (NSR) does not sell or lease the rail line for continued rail use and decides to salvage the line, prior to beginning any salvage activities, NSR shall reinitiate the consultation process pursuant to Section 106 of the National Historic Preservation Act, 16 U.S.C. 470f, and 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 completion of the Section 106 process. NSR shall report back to the Section of Environmental Analysis regarding any consultations with the West Virginia Division of Culture and History and any other Section 106 consulting parties that have been identified. NSR may not 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.

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).

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. 272X) 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: December 29, 2006.

Comment due date: January 16, 2007.

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

Vernon A. Williams
Secretary

Attachment