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SEA

SERVICE DATE – JANUARY 9, 2009

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-290 (Sub-No. 304X)

**Norfolk Southern Railway Company – Abandonment Exemption –
in Henry County, VA**

BACKGROUND

In this proceeding, Norfolk Southern Railway Company (NS) filed a notice of exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad known as the Hill Top Branch, in Martinsville, Henry County, VA. The rail line (Line) proposed for abandonment extends from milepost DW 41.60 to milepost DW 45.80, a distance of 4.20 miles and traverses U.S. Postal Service Zip Code 24112. The right-of-way is generally 80 feet on each side from the centerline. A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, NS states that it intends to salvage the Line and that Henry County has expressed an interest in acquiring the Line for interim trail use.

ENVIRONMENTAL REVIEW

NS has 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. NS 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

The proposed abandonment would permit NS to eliminate 4.20 miles of rail line (Line) known as the Hill Top Branch. According to NS, no rail traffic has originated, terminated, or moved overhead on the Line for at least two years. NS also notes that there is a single private at-grade crossing located on the Line located at milepost DW 44.60.

NS states that because no rail traffic has moved over the Line in more than two years, the movement or recovery of recyclable commodities would not be affected.

Salvage Activities

If approved, NS states that it intends to salvage the Line. Because the Line has not been used in more than two years, the abandonment, if approved, would not result in any adverse impacts to regional or local transportation systems and patterns.

NS states that there is no reasonable alternative to the proposed abandonment.

In a letter dated September 24, 2008, Mr. Benny Summerlin, Henry County Administrator, states that Henry County is interested in acquiring the right-of-way for inclusion into its proposed Smith River Trail System. NS notes in its filing that it does not have fee title to the entire right-of-way and therefore believes that it does not have a contiguous corridor available for public use. Finally, Mr. Summerlin states that the proposed abandonment is consistent with existing land use plans.

In an e-mail dated August 19, 2008, Mr. Edward Fanning, U.S. Department of Agriculture, Natural Resources Conservation Service, states that no prime farmland exists with the area of the proposed abandonment.

In a letter dated July 23, 2008, Ms. Anne Pinion, EIR Coordinator, Virginia Department of Environmental Quality, states the proposed project is located outside of the coastal zone and there are no reasonably foreseeable effects on any coastal uses or resources. In addition, Ms. Pinion states that she has notified Virginia's Department of Conservation and Recreation in case that department is interested in the right-of-way for its rails to trails program.

In a letter dated August 21, 2008, Mr. Kevin Harlow, Environmental Engineer, Virginia Department of Environmental Quality, West Central Regional Office, concurs that the project, as proposed, should be consistent with Federal, State, and local water quality standards. Mr. Harlow does request that NS contact Mr. Jay Roberts, Virginia Water Pollution Permit Writer, Virginia Department of Environmental Quality, West Central Regional Office, regarding potential permit requirement under Section 402 of the Clean Water Act. Mr. Roberts can be reached at (540) 562-6785. NS has indicated that a copy of the Environmental Report has been provided to Mr. Roberts for review.

In a letter dated August 28, 2008, Ms. Ellie Irons, Manager of the Virginia Department of Environmental Quality's Office of Environmental Impact Review, provides general guidance regarding permit requirements and corresponding agencies. Ms. Irons notes the following: 1) the Line crosses a small waterway at Jones Creek and permits may be required from the Virginia Marine Resources Commission, and 2) an Erosion and Sediment Control Plan and a General Permit for Stormwater Discharges from Construction Activities from the Virginia Department of Conservation and Recreation may be required. Ms. Irons also mentions various requirements addressing air pollution control, solid and hazardous waste, natural and wildlife resources and rails-to-trails. For the reasons given below, SEA believes that the proposed abandonment would not result in impacts to the areas discussed in Ms. Iron's letter and

therefore, does not recommend the imposition of conditions to mitigate impacts to these areas, with the exception of the historic preservation condition discussed below.

NS states that it has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way or in adjacent areas.

SEA has researched Henry County on the internet and notes that according to the U.S. Environmental Protection Agency, Henry County is in attainment for all National Ambient Air Quality Standard pollutants. Any air pollution that could result from salvage of the rail line (such as dust from machinery) would be temporary.

According to NS, it does not believe that any federally listed endangered species or their habitats would be adversely affected by the proposed abandonment. Furthermore, NS states that based upon a site investigation that the Line does not pass through state parks or forests, national parks or forests, or wildlife sanctuaries.

NS states that the Line crosses Jones Creek at milepost DW 44.40. According to NS, it does not intend to either appreciably remove or alter the contour of the roadbed underlying the Line. In addition, there are no plans to undertake in-stream work, or dredge and/or use any fill materials and therefore, water quality impacts are not expected in connection with the proposed action.

In an e-mail dated November 26, 2008, Ms. Jeanne Richardson, Environmental Scientist, U.S. Army Corps of Engineers, Norfolk District, states that a preliminary review of the proposed project consisting of the removal of tracks and material with no new access roads, no dredging and/or the use of fill material, no disturbance of the underlying roadbed, and the potential removal of one bridge that crosses Jones Creek, does not appear to require a permit from the Corps or the Virginia Department of Environmental Quality.

The U.S. Department of Commerce, National Geodetic Survey (NGS) has not completed its review of the proposed abandonment. Therefore, SEA has added NGS to the service list for this EA and specifically invites NGS's comments on this EA.

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 of the Line would result in any significant environmental impacts.

HISTORIC REVIEW

The proposed abandonment would permit NS to eliminate 4.20 miles of rail line known as the Hill Top Branch in Martinsville, Henry County, Virginia. According to NS, no rail traffic has originated, terminated, or moved overhead on the Line for at least two years. If approved, NS intends to salvage the Line. As mentioned above, Henry County has also expressed an interest in acquiring the Line for possible interim trail use.

NS states that the Line's right-of-way is generally 80 feet on each side from the centerline and passes through a mixture of urban, industrial and residential areas.

In its Environmental and Historic Report, NS states that the Line now known as the Hill Top Branch was originally part of The Danville and New River Railroad, which was chartered in Virginia on March 29, 1873. The Line was originally constructed as a three foot gauge line and began operation on August 1, 1884.

The Danville and New River Railroad fell into receivership on January 26, 1887 and was sold at foreclosure on August 26, 1890, to the Danville and Western Railway Company. The Danville and Western Railway Company was incorporated under the general laws of Virginia on January 9, 1891 and was controlled by the Richmond and Danville Railroad Company and after reorganization was controlled by the Southern Railway Company.

Henry County was established in 1777 from a part of Pittsylvania County and was originally named Patrick Henry County in honor of Patrick Henry who was serving as the first Governor of Virginia. In 1790, Patrick Henry County was split into two counties, Patrick and Henry Counties. Martinsville was founded by American Revolutionary General Joseph Martin.

NS states that there is a single structure that is 50 years old or older: an open deck bridge crossing Jones Creek at milepost DW 44.40 consisting of seven spans. There is an 81 foot span bridge of through plate girder construction built in 1903. The remaining six spans, totaling 77 feet, are of frame trestle construction and were built in 1943, and due to their later construction are not original to the structure. NS believes that neither the bridge nor the Line itself meets the criteria for listing in the National Register of Historic Places.

According to NS, it also states that it is unaware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. If approved, abandonment would not result in activities below the surface or below the level of initial disturbance.

NS served the historic report on the Virginia Department of Historic Resources (SHPO), pursuant to 49 CFR 1105.8(c).¹ In a letter dated September 11, 2008, the SHPO states that in its opinion that neither the bridge nor the Line itself are eligible for listing in the National Register of Historic Places. Based on available information, 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 within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 CFR 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would 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 the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's web site at <http://www.stb.dot.gov>.

Pursuant to 36 CFR 800.2, SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd> to identify Federally recognized tribes, which may have ancestral connections to the project area. The database indicated that there are no Federally recognized tribes that may have ancestral connections to the project area.

CONDITIONS

SEA recommends that no conditions be imposed on any decision granting abandonment authority.

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 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 should not be affected.

¹ Guidance regarding the Board's historic preservation review process is available on the Board's web site at <http://www.stb.dot.gov/stb/environment/preservation.html>.

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.

As discussed above, NS states that it does not have fee title to the entire right-of-way and therefore does not have a contiguous corridor available for public use.

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, Henry County is interested in acquiring the right-of-way for the proposed Smith River Trail System.

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) 245-0230, 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 Troy Brady, 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. 304X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Troy Brady, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at Troy.Brady@stb.dot.gov.

Date made available to the public: January 9, 2009.

Comment due date: January 24, 2009.

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

Anne K. Quinlan
Acting Secretary

Attachment