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SERVICE DATE - SEPTEMBER 27, 2000

**SURFACE TRANSPORTATION BOARD**

WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

AB-290 (SUB-NO.199X)

The Norfolk Southern Railway Company - ABANDONMENT - In Buncombe County, North Carolina.

**BACKGROUND**

In this proceeding, the Norfolk Southern Railway Company (NS) 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 service of 3.45 miles of railroad line between old Ashville Southern Station 76+97 at Ashville and old Ashville & Craggy Mountain Station Station 123+00 at New Bridge, North Carolina, which traverses through United States Postal Code 28804 and 28806. 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**

The NS line proposed for abandonment traverses through mostly industrial and a small residential area. In addition, the right-of-way traverses through Riverside Park and runs adjacent to the French Broad River and crosses Reed Creek in the Town of Woodfin, in Buncombe County, North Carolina.

According to NS, there has been no rail service along the rail corridor within the past two years. There is one bridge on the line<sup>1</sup>.

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<sup>1</sup>This information was obtained through telephone communications with James Paschall the attorney representing Norfolk Southern. SEA has requested the year the bridge was built from Mr. Paschall, but it has not been received at this time.

## **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 has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated the record in this proceeding. Also, we have consulted with appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, National Geodetic Survey, Natural Resources and Environmental Protection Cabinet, U.S. Department of Agriculture, Kentucky Department of Environmental Protection, Kentucky Heritage Council, National Park Service and Anderson County Administrator.

In its application, NS states that the Town of Woodfin has asked for a public use and a trail use condition to convert part of the right-of-way to trails use. However, if abandonment authority is granted, NS plans to convey the abandoned right-of-way to Cragy Mountain Line, a non-profit rail historical operation.

## **CONDITIONS**

We recommend the following environmental conditions be placed on any decision granting abandonment authority:

1. The National Geodetic Survey (NGS) has identified six geodetic station makers that may be affected by the proposed abandonment. Therefore, we recommend, that NS notify NGS at least 90 days prior to any salvage activity so that plans may be made for their relocation.
2. The North Carolina State Historic Preservation Officer (SHPO) has not yet completed their review of the proposed abandonment. Therefore, we recommend, that NS further consult with the North Carolina SHPO, and retain its interest in and take no steps to alter the historic integrity of the line segment until completion of the Section 106 process of the National Historic Preservation Act, 16, U.S.C. 470f.

## **CONCLUSIONS**

Based on the information provided from all sources to date, and subject to the recommended condition(s), we conclude that, 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**

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 the petition for 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, Room 848, Washington, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Room 711, Washington, DC 20423, to the attention of Bernard L. Brown, who prepared this

environmental assessment. **Please refer to Docket No. AB-290 (Sub No. 199 X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Bernard L. Brown at (202) 565-1539.

Date made available to the public: September 22, 2000.  
**Comment due date: October 6, 2000.**

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

Vernon A. Williams  
Secretary

MAP TO BE SCANNED