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SEA

SERVICE DATE – JULY 22, 2005

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-290 (Sub-No. 243X)**

**Norfolk Southern Railway Company – Abandonment Exemption – in Forsyth County, NC**

**BACKGROUND**

In this proceeding, Norfolk Southern Railway Company (NS) 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 a line of railroad in Winston-Salem, Forsyth County, North Carolina. The rail line proposed for abandonment extends approximately 2.4 miles from milepost 124.2 to milepost 126.6. A map depicting the rail line in relationship to the area served is appended to the report. If the petition becomes effective, the railroad will be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

According to NS, the line proposed for abandonment was part of a line of railroad (the Roanoke-Winston-Salem Line) located between Roanoke, Virginia, and Winston-Salem, North Carolina. The Roanoke-Winston-Salem Line was constructed and opened for operation in sections between 1889 and 1892. There are 16 bridges on the line and most of these structures are 50 years old or older. The bridges range from 10 feet to 660 feet in length.

According to NS, there has been no traffic on the line for at least two years and any overhead traffic on the line can be rerouted over other lines.<sup>1</sup> NS states that land use along the line is 52% industrial, 45% unimproved, and 3% residential. The width of the right-of-way varies but generally ranges from 32 feet to 43 feet from the centerline of track.

Should it receive authority to abandon the line, NS intends to salvage the rail and cross ties but does not intend to appreciably remove or alter the contour of the roadbed underlying the rail line. NS has no plans to remove the bridges or bridge ties, but it states that four at-grade public road crossings would be removed as a result of the proposed abandonment.

In addition, NS states that the right-of-way should be suitable for alternative public use, and NS plans to sell the majority of the right-of-way to the North Carolina Department of Transportation for possible future use related to a public transit project planned for the Piedmont

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<sup>1</sup> NS states that any freight operations could be relocated to a parallel rail line that extends from milepost K-27.4 to milepost K-24.6.

Authority for Regional Transportation. NS states that it would either retain the remaining portion of the right-of-way or sell it to an entity of the City of Winston-Salem where it may be used for the location of a proposed biomedical research center to be utilized by Wake Forest University, Winston-Salem State University, and Salem College.

## **ENVIRONMENTAL REVIEW**

NS 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 and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. SEA has reviewed and investigated the record in this proceeding.

As stated above, there has been no local traffic on the line for at least two years and any overhead traffic can continue to move via an existing parallel line segment. Accordingly, the railroad states that 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.

The North Carolina Department of Environment and Natural Resources, Division of Land Resources (NCDENR) requested permission to access the line in order to determine the location and coordinates of the rails prior to their removal. According to NCDENR, the legal description of some property boundaries are based on the distance and bearing from the rails, and this information would be lost after the rails are removed. To prevent this, NCDENR has offered to conduct a Global Positioning System Real Time Kinematic (RTK) survey, which is a modern non-destructive surveying method that does not require any land clearing.<sup>2</sup> In addition, NCDENR stated that two geodetic monuments<sup>3</sup> may be impacted by the proposed abandonment; however, this issue is addressed below. Accordingly, prior to commencement of any salvage activities, we recommend that NS consult with NCDENR in order to discuss implementation of a RTK survey. Furthermore, we recommend that NS submit the results of these consultations in writing to SEA prior to the onset of salvage activities.

The National Geodetic Survey (NGS) has submitted comments stating that two geodetic station markers have been identified that may be affected by the proposed abandonment and requests 90 days notification in advance of any activities that will disturb or destroy these markers in order to plan for their relocation. Accordingly, we recommend that NS notify NGS 90 days prior to beginning salvage activities to plan for the possible relocation of the station markers by NGS.

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<sup>2</sup> Mr. Gary Thompson at NCDENR stated that the RTK survey should no longer than one day to complete.

<sup>3</sup> According to NCDENR, the terms “geodetic monument” and “geodetic station marker” are interchangeable.

Based on information provided on the web site for the North Carolina Department of Environmental and Natural Resources' Division of Coastal Resources, Forsyth County is not a coastal county and, therefore, is not subject to the rules and policies of the Coastal Resources Commission.

NS states that there are no plans to undertake in-stream work or dredge and/or filling activity. Accordingly, the proposed abandonment, would not involve the discharge of fill material in waters of the United States. On June 14, 2005, NS discussed the proposed project with Mr. Todd Tugwell, Project Manager with the United States Army Corps of Engineers (Corps), and the Corps had no comments regarding the project.

According to NS, the U.S. Fish and Wildlife Service and/or the North Carolina Department of Natural Resources have indicated that 50 threatened and endangered species may exist in North Carolina. NS states that the federally endangered red-cockaded woodpecker and small-anthered bittercress occur in Forsyth County.<sup>4</sup> Accordingly, we recommend a condition requiring NS to consult with the appropriate USFWS office prior to commencement of any salvage activities regarding impacts to these federally endangered species that may occur in the vicinity of the proposed abandonment. We also recommend that NS report the results of these consultations in writing to SEA.

According to NS, there are no known hazardous waste sites or hazardous material spills on the subject right-of-way. In a search of the North Carolina Department of Natural Resources' National Response Center (NRC) and the U.S. Environmental Protection Agency (EPA) EnvrioMapper database, NS found that a nearby facility called the Camel City Cleaners (CCC) has been listed in the North Carolina Brownfield Inventory. However, NS states that the CCC site is "down gradient" (located in an area of lower elevation) and the rail line is constructed on an elevated area that is approximately 50 feet above the natural road elevation. NS, therefore, concludes that impact to the right-of-way is improbable. Because of the proposed abandonment's proximity to a brownfield site, we recommend that NS consult with the appropriate office of the U.S. Environmental Protection Agency and North Carolina Department of Natural Resources' Division of Waste Management prior to commencement of any salvage activities to determine if any safety precautions should be taken during salvage activities. Furthermore, we recommend that NS submit the results of these consultations in writing to SEA prior to commencement of any salvage activities.

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<sup>4</sup> NS states in the Environmental Report that, in a telephone consultation with USFWS's Asheville office, USFWS advised NS that their office has found that abandonment activities rarely impact habitat or endangered wildlife in such a way that would require extensive consultation. Nonetheless, NS should consult with the USFWS in order to determine whether this proposed abandonment would have any impact on federally endangered species pursuant to the Endangered Species Act.

NS is not aware of any wildlife sanctuaries or refuges, or of any National or state parks or forests, that would be affected by the proposed abandonment.

## **HISTORIC REVIEW**

NS submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)] and served the report on the North Carolina State Historic Preservation Office, Department of Cultural Resources (State Historic Preservation Office or SHPO) pursuant to 49 CFR 1105.8(c). At the request of the SHPO, the railroad recently sent additional information regarding the bridges located on the line proposed for abandonment. However, at the time this environmental assessment was prepared, the SHPO had not completed its assessment of the proposed abandonment. Pending completion of the SHPO's review, we recommend a condition to ensure compliance with the Section 106 process of the NHPA.

## **CONDITIONS**

SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority:

1. Norfolk Southern Railway Company shall notify the National Geodetic Survey (NGS) 90 days prior to beginning salvage activities to plan for the possible relocation of the geodetic station markers by NGS.
2. Prior to commencement of any salvage activities, Norfolk Southern Railway Company (NS) shall consult with the North Carolina Department of Environment and Natural Resources' Division of Land Resources in order to discuss the implementation of a Global Positioning System Real Time Kinematic survey. NS shall submit the results of these consultations in writing to the Section of Environmental Analysis prior to the commencement of salvage activities.
3. Norfolk Southern Railway Company shall consult with the U.S. Fish and Wildlife Service regarding impacts to federally endangered species that may occur in the vicinity of the line and shall report the results of these consultations in writing to the Section of Environmental Analysis prior to the commencement of salvage activities.
4. Based on the proposed abandonment's proximity to a brownfield site, Norfolk Southern Railway Company (NS) shall consult with the appropriate office of the U.S. Environmental Protection Agency and the North Carolina Department of Natural Resources' Division of Waste Management prior to commencement of any salvage activities to determine if any safety precautions should be taken during salvage activities. NS shall submit the results of these consultations in writing to the Section of Environmental Analysis prior to the commencement of any salvage activities.
5. Because the North Carolina State Historic Preservation Office, Department of Cultural Resources (State Historic Preservation Office or SHPO) has not completed its

evaluation of the potential impact of this project on historic resources, Norfolk Southern Railway Company (NS) shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f. NS shall report back to the Section of Environmental Analysis regarding the results of any consultations with the SHPO.

## **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 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, 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 Christa Dean who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-290 (Sub-No. 243X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact Christa Dean, the environmental contact for this case, by phone at (202) 565-1606, fax at (202) 565-9000, or e-mail at [deanc@stb.dot.gov](mailto:deanc@stb.dot.gov).

Date made available to the public: July 22, 2005.

**Comment due date: August 8, 2005.**

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

Vernon A. Williams  
Secretary

Attachment