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SEA

SERVICE DATE – OCTOBER 2, 2006

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-290 (Sub-No. 275X)

Norfolk Southern Railway Company – Abandonment Exemption – in Gaston County, NC

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 in connection with the abandonment of a line of railroad in Gaston County, North Carolina. The portion of the rail line proposed for abandonment extends two miles from milepost HG 45.0 to milepost HG 47.0 in Gastonia (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, and overhead traffic, if there were any, could be rerouted over other 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

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.

NSR states that the City of Gastonia is interested in acquiring most of the right-of-way for interim trail use. NSR plans to convey its interest in the Line from milepost HG 45.0 to milepost HG 46.8 to the City of Gastonia for interim trail use and the creation of a greenway. According to NSR, the grade crossing at milepost HG 45.4 would be removed, but no other removal or salvage of rail and track material would occur on that 1.8 mile segment of the Line. NSR plans to salvage the rail and track materials on the segment of the Line between mileposts HG 46.8 and HG 47.0. However, in the event that salvage activities are conducted over the entire Line, SEA has considered the potential environmental impacts that could arise.

According to NSR, the land use along the Line is predominantly urban, lying entirely within the city limits of Gastonia. NSR states that Sims Legion Park, containing a stadium, forms the boundary of the northern end of the Line. The Line crosses a small, unnamed waterway at milepost HG 46.34.

The Natural Resources Conservation Service submitted comments stating that the proposed abandonment would not impact prime agricultural land.

The U.S. Fish and Wildlife Service submitted comments stating that it does not believe that the proposed abandonment would adversely affect Federally listed endangered or threatened species and that the requirements of Section 7 of the Endangered Species Act are fulfilled.

The U.S. Environmental Protection Agency, Region 4 (USEPA) submitted comments stating that it appears that the proposed abandonment would not be subject to National Pollutant Discharge Elimination System (NPDES) permitting requirements. However, because the North Carolina Department of Environment and Natural Resources (DENR) has been authorized to implement the NPDES permit program, USEPA recommends that NSR consult with DENR. Accordingly, we will recommend a condition requiring NSR to consult with DENR prior to beginning salvage activities regarding NPDES permitting requirements.

The U.S. Army Corps of Engineers submitted comments stating that the proposed abandonment would not impact jurisdictional waters or wetlands.

The National Geodetic Survey (NGS) provided comments stating that five geodetic station markers may be located in the area of the proposed abandonment. NGS requests 90 days advance notice to relocate the station markers. Accordingly, we will recommend that a condition be imposed upon any decision granting abandonment authority requiring NSR to notify NGS at least 90 days prior to beginning salvage activities in order to plan for the possible relocation of the geodetic station markers identified by NGS.

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. SEA is providing a copy of this EA to NGS, the North Carolina Department of Administration and DENR for review and comment.

HISTORIC REVIEW

NSR served the historic report on the North Carolina State Historic Preservation Office (State Historic Preservation Officer or SHPO), pursuant to 49 CFR 1105.8(c). The SHPO submitted a form stating that it had no comments on the proposed abandonment. SEA contacted Ms. Renee Gledhill-Earley at the SHPO by telephone on September 22, 2006, and verified that no further consultation with the SHPO is necessary for this abandonment.

Thus, pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the National Historic Preservation Act at 36 CFR 800.4(d) and 36 CFR 800.8, we have determined that the proposed abandonment will not affect historic properties listed in or eligible for inclusion in the National Register of Historic Places. 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.

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 conditions be imposed on any decision granting abandonment authority:

- 1. Norfolk Southern Railway Company shall consult with the North Carolina Department of Environment and Natural Resources prior to beginning salvage activities regarding National Pollutant Discharge Elimination System permitting requirements.**
- 2. Norfolk Southern Railroad Company shall notify the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities in order to plan for the possible relocation of the geodetic station markers identified by NGS.**

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 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. 275X) 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: October 2, 2006.

Comment due date: October 17, 2006.

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

Vernon A. Williams
Secretary

Attachment