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OEA

SERVICE DATE – SEPTEMBER 20, 2019

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 290 (Sub-No. 404X)

**Norfolk Southern Railway Company – Abandonment Exemption – in the City of
Greensboro, N.C.**

BACKGROUND

In this proceeding, Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 C.F.R. Part 1152, Subpart F to abandon approximately 3.1 miles of rail line extending from milepost CF-65.6 to milepost CF-68.7 in the City of Greensboro, North Carolina (the Line). A map depicting the Line in relationship to the area served is appended to this 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.

DESCRIPTION OF THE LINE

The Line is located in an urban setting. NSR indicates that there are four bridges located along the Line and that the right-of-way width ranges from 50 to 200 feet along the main track centerline. NSR states that it is currently in discussions with a local entity concerning the possibility of establishing a trail over the Line.

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 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

¹ The Applicants' environmental and historic reports are available for viewing on the Board's website at www.stb.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 290 (Sub-No. 404X).

Diversion of Traffic

According to NSR, no local traffic has moved over the Line for more than three years, and there is no overhead traffic to be rerouted. 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 indicates that salvage would consist of removing the rail and track materials from the existing roadbed. The contour of the existing roadbed would remain as is and the existing drainage systems would remain intact. No ballast would be removed, and no soil disturbance would occur.

The United States Environmental Protection Agency (USEPA), Region 4, commented that after reviewing information in NSR's consultation letter and reports dated 7/25/19, it did not identify any adverse environmental impacts associated with the proposed abandonment.

The North Carolina Department of Environmental Quality (NCDEQ) commented that if the limits of disturbance, including the haul roads, access areas, and staging areas, are an acre or more, the proposed abandonment would be subject to an erosion control plan review. NCDEQ indicated that NSR should consult with Guilford County, NC, the county responsible for enforcing erosion control for the proposed abandonment. Accordingly, OEA recommends that a condition be imposed on any decision granting abandonment authority requiring NSR to consult with Guilford County prior to beginning any salvage activities to determine whether an erosion control plan review is required and if so, to comply with the plan's reasonable requirements.

NSR requested comments from the U.S. Fish and Wildlife Service (USFWS) regarding the potential impact of the proposed abandonment to protected wildlife, including federally listed threatened and endangered species. To date, USFWS has not provided comments. To identify protected species in the project area, OEA conducted a search of the USFWS Information, Planning, and Conservation (IPaC) system.² Two protected threatened or endangered species (both flowering plants), Schweinitz's Sunflower and Small Whorled Pogoniaare, are located in the area of the proposed abandonment. According to the IPaC report, there is no critical habitat

² U.S. Fish and Wildlife Service, Information, Planning, and Conservation System, <http://ecos.fws.gov/ipac/> (last visited 9/17/19).

for these species in the project area. OEA has determined that the federally protected threatened or endangered species would not be adversely affected because of the abandonment's limited scope of salvage and the urban nature of the project area. OEA is providing USFWS a copy of this EA for its review.

The National Geodetic Survey (NGS) has indicated that ten geodetic survey markers are present in the right-of-way and could be disturbed by the proposed abandonment. Therefore, OEA recommends that a condition be imposed on any decision granting abandonment authority requiring NSR to notify NGS at least 90 days prior to beginning salvage activities to allow time for the geodetic survey markers to be preserved.

OEA 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, OEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this EA to NCDEQ, USFWS, and NGS for their review and comment.

HISTORIC REVIEW

NSR served the historic report on the North Carolina State Historic Preservation Officer (SHPO), pursuant to 49 C.F.R. § 1105.8(c).³ As mentioned above, NSR indicates that there are four bridges located along the Line. NSR states that all four bridges are fifty years old or older and are ordinary rail bridges. NSR believes that none of the bridges, nor the Line itself, meets the criteria for listing in the National Register of Historic Places (National Register). The SHPO has not yet commented and, therefore, OEA has not been able to consider the SHPO's opinion in determining the impact of the proposed abandonment on historic resources. Accordingly, OEA recommends a condition requiring the railroad to 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 or APE) eligible for listing or listed in the National Register until completion of the Section 106 process. Guidance regarding the

³ Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the National Historic Preservation Act (NHPA). Applicants are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation Letter can be found on the Board's website at [https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation of 106 in Rail Abandonments.pdf](https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation%20of%20106%20in%20Rail%20Abandonments.pdf).

Board's historic preservation review process is available on the Board's website at <http://www.stb.gov/stb/environment/preservation.html>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool,⁴ to identify federally recognized tribes which may have ancestral connections to the project area. The search indicated that the Catawba Indian Nation may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment. Accordingly, OEA is sending a copy of this EA to the Catawba Indian Nation for its review and comment.

CONDITIONS

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

1. Prior to commencement of any salvage activities, Norfolk Southern Railway Company shall consult with Guilford County to determine whether an erosion control plan review is required and if so, comply with the plan's reasonable requirements.
2. Norfolk Southern Railway Company (NSR) shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, structures, and objects within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places (generally, 50 years old or older) until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed. NSR shall report back to the Office of Environmental Analysis regarding any consultations with the North Carolina State Historic Preservation Officer, any other Section 106 consulting parties, and the public. NSR may not file its consummation notice or 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.
3. Norfolk Southern Railway Company shall notify the National Geodetic Survey at NGS.Infocenter@noaa.gov at least 90 days prior to beginning salvage activities to allow time for the geodetic survey markers in the right-of-way to be preserved.

⁴ U.S. Department of Housing and Urban Development (<https://egis.hud.gov/tdat/>) (last visited 9/17/19).

CONCLUSIONS

Based on the information provided from all sources to date, OEA 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 C.F.R. § 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 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at (202) 245-0238, 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 Danielle Gosselin, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-290 (Sub-No. 404X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Danielle Gosselin, the environmental

contact for this case, by phone at (202) 245-0300, fax at (202) 245-0454, or e-mail at danielle.gosselin@stb.gov.

Date made available to the public: September 20, 2019.

Comment due date: October 4, 2019.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment

AB 290 (Sub-No. 404X)

Norfolk Southern Railway Company
Abandonment Exemption
In the City of Greensboro, North Carolina

-  The Line
-  Rail right-of-way (approximate)

Note: Maps produced by the Surface Transportation Board's Office of Environmental Analysis are based on information provided by the railroad applicant and are for general reference purposes only.

