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SEA

SERVICE DATE - AUGUST 14, 2007

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

**STB Docket No. AB-290 (Sub-No. 295X) – Norfolk Southern Railway Company –
Abandonment Exemption – in Chowan County, NC**

And

**STB Docket No. AB-866 (Sub-No. 1X)
North Carolina & Virginia Railroad Company, Inc., The Chesapeake and Albemarle
Division – Discontinuance of Service Exemption – in Chowan County, NC**

BACKGROUND

In this proceeding, the Norfolk Southern Railway Company (NSR) has filed for abandonment and the North Carolina & Virginia Railroad Company, Inc., The Chesapeake and Albemarle Division (NCVA) has filed for discontinuance of rail service, pursuant to 49 C.F.R. 1152.50. The rail line extends approximately 0.08 miles from Milepost NS 73.59 and Milepost NS 73.67 in Edenton, Chowan County, North Carolina. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA). If the notices become effective, NSR will be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

ENVIRONMENTAL REVIEW

NSR and NCVA (the Applicants) submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment and discontinuance of service or any post-abandonment activities, including salvage and disposition of the right-of-way. The Applicants served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

Description of Rail Line

The rail line is located in a developed urban and residential area with a right-of-way width of approximately 50 feet. According to the Applicants, there are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the right-of-way. The rail line crosses no waterways.

The Applicants have indicated that the rail line right-of-way may be suitable for public use. In a letter to NSR, the town of Edenton and Chowan County have expressed interest in acquiring the right-of-way for future development.

According to the Applicants, no local traffic has moved over the rail line for at least two years and no overhead traffic would be rerouted as a result of the abandonment and discontinuance of service. Accordingly, the proposed abandonment and discontinuance of service 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

Rail line salvage and disposal activities 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.

According to the Applicants, the proposed abandonment and discontinuance of service would have no significant effect on public health or safety. Moreover, the proposed action would result in the closing of three at-grade crossings which would likely result in improved safety in those locations.

The North Carolina Division of Coastal Management provided comments to the Applicants stating that consistency review under the Coastal Zone Management Act is not required for the proposed abandonment and discontinuation of service of the rail line.

The U.S. Department of Agriculture, Natural Resources Conservation Service (formerly the Soil Conservation Service), has stated that it has no comment regarding the proposed abandonment and discontinuance of service.

No response has been received from the U.S. Fish and Wildlife Service (USFWS) regarding the potential for the proposed abandonment and discontinuance of service to affect Federally listed endangered and threatened species.

According to the Applicants, the rail line does not pass through any state wildlife sanctuaries, national parks or forests.

The U.S. Army Corps of Engineers (USACE) has not commented on the environmental report. However, impacts to wetlands and water resources under the jurisdiction of the USACE are not anticipated because the rail line does not border any waterways. Moreover, NSR does not intend to conduct any salvaging activities within streambeds or wetlands, or perform activities that could cause sedimentation.

The North Carolina Department of Environmental Protection concurs with the U.S. Environmental Protection Agency that permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) would not be required for the proposed abandonment and discontinuance of service.

The Applicants have stated that any noise associated with salvage activities would be temporary and should not have a significant impact on the area surrounding the proposed abandonment and discontinuance of service.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. Neither SEA nor the Applicants have received comments from the U.S. Fish and Wildlife Service, or the U.S. Army Corps of Engineers regarding the proposed abandonment and discontinuance of service. Consequently, copies of the EA will be provided to these Federal agencies and appropriate local and state agencies for their review and comment.

HISTORIC REVIEW

The Applicants submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)].¹ The Applicants served the report on the North Carolina Historic Preservation Office (SHPO) pursuant to 49 CFR 1105.8(c) and Section 106 of the National Historic Preservation Act, 16 U.S.C. 470f. In a July 10, 2007 letter to NSR, the SHPO stated that the right-of-way of the proposed abandonment (the Area of Potential Affect) does not contain known historic properties that would be affected by the proposed abandonment and discontinuance of service. SEA has therefore determined that the undertaking would have **no effect on historic properties**.

SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area. No tribes were identified

CONDITIONS

SEA does not recommend that any conditions be placed on any decision granting abandonment and discontinuance of service authority.

¹ The combined environmental and historic report for this proceeding can be viewed online by conducting a "Full Text Search" using the Docket Numbers for this proceeding, Docket No. AB-290 (Sub-No. 295X) and Docket No. AB-866 (Sub-No. 1X), at <http://www.stb.dot.gov> under E-library/Filings.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, the abandonment and discontinuance of service 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 and discontinuance of service 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 and discontinuance of service, and 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 202-245-0230, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this EA, send an **original and two copies** to the Surface Transportation Board, Case Control Unit, Washington, DC 20423-0001, to the attention of Catherine Glidden, who prepared this EA. 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 STB Docket No. AB-290 (Sub-No. 295X) and STB Docket No. AB-866 (Sub-No. 1X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Catherine Glidden, the environmental contact for this case, by phone at 202-245-0293, fax at 202-245-1454, or e-mail at gliddenc@stb.dot.gov.

Date made available to the public: August 14, 2007.

Comment due date: **August 28, 2007.**

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

Vernon A. Williams
Secretary

Attachment