

SERVICE DATE – AUGUST 31, 2007

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-55 (Sub-No. 680X)

**CSX Transportation, Inc. – Abandonment Exemption –
in Portsmouth County, VA**

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT) 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 Portsmouth County, Virginia. The rail line proposed for abandonment extends a distance of 0.50 miles from milepost SA 0.28 to milepost SA 0.78 in the City of Portsmouth. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, CSXT will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to CSXT, this line segment was acquired and built by the Seaboard & Roanoke Railway (SRR). The SRR was part of the Portsmouth and Weldon Railroad (PWRR). The PWRR was eventually acquired by the Seaboard Air Line Railway (SAL). The SAL officially organized in 1900 in a merger that brought several smaller railroads together including its earliest predecessor, the PWRR. In the ensuing years, the SAL merged with thirty additional small railroads. On July 1, 1967, the SAL and Atlantic Coast Line merged to form the Seaboard Coast Line (SCL). In 1972, the SCL formed a partnership called The Family Lines System with a number of other railroads. In 1982, the Family Lines System merged with the Seaboard System Railroad, which subsequently merged in 1986 with the Chessie System Railroad to become CSXT.

The line proposed for abandonment runs easterly through a light industrial and commercial segment of the City of Portsmouth adjacent to Interstate 264. Based on information in CSXT's possession, the line does not contain Federally granted rights-of-way. The right-of-way on this line segment is approximately 30 feet from the center line of track. A review of CSXT records indicates that there are no CSXT-owned structures over 50 years old on the line segment that may be eligible for listing in the National Register. CSXT is not aware of any archeological resources or any other previously unknown historic properties in the project area. The line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time.

ENVIRONMENTAL REVIEW

CSXT 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. CSXT 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

CSXT states that no local or overhead rail traffic has moved over the line during the past two years. 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.

CSXT indicates that abandonment of this line would result in the removal of the rail, crossties, and possibly the upper layer of ballast. CSXT does not intend to disturb any sub grade or sub grade structures. Upon receiving abandonment authority, CSXT indicates that removal of material would be accomplished by use of the right-of-way for access, along with existing public and private crossings. No new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and does not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris would be transported away from the rail line and would not be discarded along the right-of-way nor be placed or left in streams, wetlands, or along the banks of such waterways. Appropriate measures would be implemented during track removal to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways.

The abandonment would result in the elimination of three public road crossings. CSXT is not aware of any designated wetlands or 100-year flood plains within the proposed project area. Based upon CSXT's review of the area the line does not appear to be near any parks, wildlife sanctuaries, refuges, or forests.

The U.S. Department of Agriculture, Natural Resources Conservation Service in Chesapeake, Virginia has indicated that there is no prime agricultural land in the proposed area.

CSXT has not received a response to its inquiry to the Virginia Department of Environmental Quality – Coastal Zone Management Program (VDEQ) indicating whether the proposed abandonment affects land or water uses within a designated coastal zone. Accordingly, we will recommend a condition requiring that, prior to beginning any salvage activities, CSXT shall consult with VDEQ to determine whether state coastal management consistency certification is required. If consistency certification is required, the railroad shall be prohibited from performing any salvage activities until it obtains consistency certification pursuant to the Coastal Zone Management Act, 16 U.S.C. 1451 et seq. and the Board's environmental regulations at 49 CFR 1105.9.

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.

HISTORIC REVIEW

CSXT served the historic report on the Virginia Department of Historic Resources (SHPO), pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments indicating that additional information is required for their review before it can determine if the rail line may be potentially eligible for listing on the National Register of Historic Places. Accordingly, we will recommend 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) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's web site at <http://www.stb.dot.gov/stb/environment/preservation.html>.

SEA conducted a search of the Native American Consultation Database at www.cast.uark.edu/other/nps/nacd/ and did not identify any Federally recognized tribes that may have ancestral connections to the project area.

CONDITIONS

We recommend that the following two environmental conditions be imposed on any decision granting abandonment authority.

1. CSX Transportation, Inc. (CSXT) shall consult with the Virginia Department of Environmental Quality – Coastal Zone Management Program (VDEQ) prior to beginning any salvage activities to determine whether state coastal management consistency certification is required. If consistency certification is required, CSXT shall be prohibited from performing any salvage activities until it obtains consistency certification and shall then notify the Board’s Section of Environmental Analysis, pursuant to the Coastal Zone Management Act, 16 U.S.C. 1451 et seq and the Board’s environmental regulations at 49 CFR 1105.9.
2. CSX Transportation, Inc. (CSXT) shall 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) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. CSXT shall report back to the Section of Environmental Analysis regarding any consultations with the Virginia Department of Historic Resources and the public. CSXT 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.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes 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 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.

COMMENTS

If you wish to file comments regarding this EA, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett, 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 Docket No. AB-55 (Sub-No. 680X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Kenneth Blodgett, the environmental contact for this case, by phone at (202) 245-0305, fax at (202) 245-0454, or e-mail at blodgettk@stb.dot.gov.

Date made available to the public: August 31, 2007.

Comment due date: September 14, 2007.

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

Vernon A. Williams
Secretary

Attachment