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SEA

SERVICE DATE – May 7, 2007

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-290 (SUB-NO. 287X)  
Norfolk Southern Railway Company—Abandonment Exemption—  
In Brunswick County, VA**

**BACKGROUND**

On April 12, 2007, the Norfolk Southern Railway Company (NSR) filed a notice of exemption from regulation under 49 U.S.C. 10903, pursuant to the provisions of 49 U.S.C. 10502 and 49 CFR 1152.50 for abandonment of 5.0 miles of rail line between Mile Post FD 90.20 and Mile Post FD 95.20 in Lawrenceville, Brunswick County, Virginia. This line traverses United States Postal Service zip code 23868. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA).

**ENVIRONMENTAL REVIEW**

NSR submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of abandonment, including salvage and disposition of the right-of-way. NSR served the environmental and historical reports 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 environmental record in this proceeding.

According to NSR, the line has been out of service for more than two years. Moreover, there is no overhead traffic on the line. Under these circumstances, the proposed abandonment would not adversely affect the transportation of energy resources or recyclable commodities, and would not result in an increase in overall energy efficiency.

NSR states that if abandonment authority is granted in this proceeding, the line segment between Mile Post 90.20 and Mile Post 92.40 would be reclassified as an industrial lead track and retained for future industrial development opportunities. The adjacent segment of track between Mile Posts FD 92.40 and Mile Post 95.20 would be salvaged. According to NSR, the Virginia Department of Conservation and Recreation has expressed an interest in purchasing this line segment for possible trail use.

The land along this line is residential. The City of Lawrenceville has not commented on the consistency of the proposed abandonment with existing land use plans. We will place the city on the Board's service list for this proceeding. The United States Department of Agriculture, Natural Resources Conservation Service states that they anticipate no effect on prime agricultural

land if the rail abandonment and bridge removal are accomplished. The Brunswick County is not listed on the Virginia Department of Environmental Quality's list of coastal counties.

The NSR maintain that any 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.

According to NSR, there are no wildlife sanctuaries or refuges, National or State parks or forests in the vicinity of the proposed abandonment. NSR states that the proposed abandonment would be handled in a manner that is consistent with the applicable Federal, state, and local water quality standards. To the best of NSR's knowledge, the proposed abandonment would have no effect on 100-year flood plains. NSR explains in the notice of exemption that there are no known hazardous materials waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way. The United States Army Corps of Engineers (Corps) concluded that the proposed abandonment would not involve the discharge of fill material in waters of the United States. Therefore, a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) would not be required.

The United States Fish and Wildlife Service (USFWS) states that no significant adverse impacts to Federally-listed endangered or threatened species are anticipated from the proposed abandonment.

## **HISTORIC REVIEW**

NSR submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Virginia State Historic Preservation Office (VASHPO) pursuant to 49 CFR 1105.8(c). SEA has not heard from the VASHPO and therefore has not been able to consider the VASHPO's opinion before determining if the rail line may be potentially eligible for listing on the National Register of Historic Places (National Register). Accordingly, we are recommending 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 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/](http://www.cast.uark.edu/other/nps/nacd/) to identify Federally recognized tribes that may have ancestral connections to the project area. The database did not identify any Federally recognized tribes in Virginia.

## **CONDITION**

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

- Norfolk Southern Railway Company (NSR) shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures 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, 16 U.S.C. 470f, has been completed. NSR shall report back to the Section of Environmental Analysis regarding any consultations with the SHPO and any other Section 106 consulting parties. 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.

## **CONCLUSIONS**

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, abandonment would 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, discontinuance of service and salvage of the rail line, a portion of the rights-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 is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the class 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 environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Phillis Johnson-Ball, 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. 287X)**. If you have any questions regarding this environmental assessment, please contact Phillis Johnson-Ball, the environmental contact for this case, by phone at (202) 245-0303, fax at (202) 245-0454, or e-mail [johnson-ballp@stb.dot.gov](mailto:johnson-ballp@stb.dot.gov).

Date made available to the public: May 7, 2007.

**Comment due date: May 22, 2007.**

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

Vernon A. Williams  
Secretary

Attachment