

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 290 (Sub-No. 389X)

Norfolk Southern Railway Company – Abandonment Exemption – in Roanoke, Va.

BACKGROUND

In this proceeding, Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 to abandon approximately .5 miles of rail line in Roanoke, Va. The .5 miles of rail line proposed for abandonment extend from milepost R 4.0 to milepost R 4.5 (the Line). A map depicting the Line in relationship to the area served is appended to this EA. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

NSR states that the Line is part of a rail line extending from Roanoke to Winston-Salem that was built in 1891 by the Roanoke and Southern Railway Company and came under NSR's control through various mergers. According to NSR, it will convey the remaining right-of-way to the City of Roanoke for its continued development of the City's Comprehensive Vision 2001-2020 plan. NSR also indicates that the right-of-way width ranges from 50 to 100 feet along the main track centerline.

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.

Diversion of Traffic

¹ The railroad's 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. 389X).

According to NSR, no local traffic has moved over the Line for at least two 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.

The City of Roanoke (the City) commented that the proposed abandonment is consistent with the City's Comprehensive Vision 2001-2020 Plan, the Norwich Neighborhood Plan, and the Roanoke Valley Conceptual Greenway Plan 2007. The City stated that all of these documents encourage and support projects that provide access to and recreational opportunities near the Roanoke River.

The Natural Resources Conservation Service commented that no prime farmland would be affected by the proposed abandonment.

The U.S. Fish and Wildlife Service, Virginia Ecological Services Field Office (USFWS) submitted comments stating that one federally listed threatened or endangered species, the Roanoke logperch, might be located in the area of the proposed abandonment. Accordingly, we recommend that a condition be imposed upon any decision granting abandonment authority requiring NSR to consult with USFWS to determine whether any further review is necessary under the Endangered Species Act.

The U.S. Army Corps of Engineers, Norfolk District (the Corps) commented that the proposed abandonment would not require a Section 404 permit. The Corps also suggested that NSR consult with the Wilmington District, Flood Risk Management Program for the Upper Roanoke River. Accordingly, we recommend a condition be imposed upon any decision granting abandonment authority requiring NSR to consult with the Corps' Wilmington District, Flood Risk Management Program for the Upper Roanoke River.

The National Geodetic Survey (NGS) commented that no geodetic survey markers are located within the area of the proposed abandonment. Therefore, no further consultation with NGS is necessary.

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 USFWS and the Corps for their review and comment.

HISTORIC REVIEW

NSR served the historic report on the Virginia State Historic Preservation Officer (SHPO), pursuant to 49 C.F.R. § 1105.8(c). SHPO submitted comments stating that no historic resources would be affected by the proposed abandonment. OEA has reviewed the available information and concurs with the SHPO's comments. Accordingly, pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's Historic Report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at www.stb.gov.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the National Native American Graves Protection and Repatriation Act, Online Native American Consultation Database and the U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool,² to identify federally-recognized tribes which may have ancestral connections to the project area. The search indicated that the Catawba Indian Nation and the Delaware 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 these tribes for their 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 the U.S. Fish and Wildlife Service, Virginia Ecological Services Field Office, to determine if any further review is necessary under the Endangered Species Act.
2. Prior to commencement of any salvage activities, Norfolk Southern Railway Company shall consult with the U.S. Army Corps of Engineers, Wilmington District, Flood Risk Management Program for the Upper Roanoke River.

² U.S. National NAGPRA Program (<https://grantsdev.cr.nps.gov/Nagpra/NACD/>); U.S. Department of Housing and Urban Development (<https://egis.hud.gov/tat/Tribal.aspx>).

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. 389X) 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: March 28, 2017.

Comment due date: April 11, 2017.

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

Attachment