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SERVICE DATE – NOVEMBER 25, 2024

OEA

EAXX-472-00-0-1730458972

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 290 (Sub-No. 415X)

**Norfolk Southern Railway Company – Abandonment Exemption –
In Henderson and Polk Counties, N.C., and Greenville and Spartanburg Counties, S.C.**

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 prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Henderson and Polk Counties, North Carolina, and Greenville and Spartanburg Counties, South Carolina. The rail line proposed for abandonment extends approximately 31.3 miles from milepost W 26.0 in Henderson County, NC, to milepost W 57.3 in Spartanburg County, SC (the Line). A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft 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

According to NSR, there are nine bridges on the Line (at mileposts W 29.10, W 29.55, W 33.48, W 34.90, W 36.60, W 41.71, W 48.60, W 50.10 and W 50.87), five of which are more than 50 years old. The Line traverses United States Zip Codes 28773; 28782; 28790; 29322; 29349; and 29356, and the right-of-way is approximately 200 feet wide. Based on information in its possession, NSR states that the Line does not contain any federally granted rights-of-way and the underlying right-of-way is owned in fee simple and by easement rights. NSR also indicates that it is in discussions with a local entity concerning possible establishment of a trail over the Line if abandonment authority is granted. NSR does not intend to salvage any track, ties, or other rail appurtenances in association with the proposed abandonment.

ENVIRONMENTAL REVIEW

NSR submitted a combined environmental and historic report (E&H Report) that concludes the quality of the human environment would not be affected significantly as a result of the proposed abandonment of the Line, including salvage. NSR served the E&H 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 implementing the National Environmental Policy Act. The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to NSR, no local traffic has moved over the Line over the last two years, and overhead traffic on the Line has been rerouted. Therefore the proposed abandonment would not result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network. Nor would the proposed abandonment adversely impact the development, use and transportation of energy resources or recyclable commodities or the transportation of ozone-depleting materials.

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. As noted above, NSR does not intend to conduct any salvage activities should the Board grant the proposed abandonment.

NSR submitted the E&H Report to the U.S. Environmental Protection Agency (USEPA) and the U.S. Army Corps of Engineers, Wilmington and Charleston Districts (USACE) for comments on potential permitting requirements under Sections 402 and 404 of the Clean Water Act (CWA) (33 U.S.C. §§ 1342 and 1344), respectively. To date, OEA has not received a response from either agency. OEA does not anticipate the need for permits under the CWA because NSR does not intend to salvage the Line or do any work in waters of the U.S. OEA is providing a copy of this Draft EA to USEPA and USACE for their review.

The proposed abandonment is not located within a coastal zone. Therefore, no further consultation is required.

The Spartanburg County Administrator, Mayor of the City of Inman, and Mayor of the City of Landrum all submitted comments supporting the proposed abandonment and encouraging the subsequent development of a trail.

¹ The E&H Report is available for viewing on the Board's website at www.stb.gov by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "290" "415" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on October 31, 2024.

The North Carolina Department of Environmental Quality (NCDEQ) submitted comments recommending the minimization of waste generation by encouraging recycling of materials where suitable and properly disposing waste at approved solid waste management facilities. NCDEQ also noted that there are three Superfund sites within a mile of the proposed abandonment. NCDEQ's comments did not identify any required permits and noted no objection to the proposed abandonment. Because NSR does not intend to conduct any salvage activities in association with the proposed abandonment, OEA is not recommending any conditions in response to NCDEQ's comments.

The South Carolina Department of Transportation (SCDOT) submitted comments with several questions relating to the maintenance and safety of remaining at-grade crossings if abandonment is authorized. Accordingly, OEA is recommending a condition requiring NSR to consult with SCDOT regarding its concerns about at-grade crossings.

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. USFWS submitted comments stating that suitable habitat is not present within the area of proposed abandonment for any federally listed species. Therefore, OEA has determined that the proposed abandonment would have no impact on federally listed threatened and endangered species. OEA is providing USFWS Asheville Ecological Services Field Office a copy of this Draft EA for its review.

OEA believes that there would be no impact from any air emissions or noise on the area surrounding the proposed abandonment because no abandonment-related salvage or other land disturbing activities would occur.

Based on all information available to date, OEA does not believe that the proposed abandonment 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 Draft EA to the following agencies for review and comment: EPA, USACE, USFWS, and SCDOT.

HISTORIC REVIEW

NSR submitted a historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the North Carolina Department of Natural and Cultural Resources (NC SHPO) and South Carolina Department of Archives and History (SC SHPO), pursuant to 49 C.F.R. § 1105.8(c). Based on available information, NC SHPO and SC SHPO submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment.

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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 NC SHPO, SC SHPO, and the public, OEA has 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 Draft EA, which have been provided to the NC SHPO and SC SHPO, and made available to the public through posting on the Board’s website at www.stb.gov. Guidance regarding the Board’s historic preservation review process is available on the Board’s website at <https://www.stb.gov/resources/environmental/historic-preservation-overview>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development’s Tribal Directory Assessment Tool (TDAT) to identify federally recognized Tribes that may have ancestral connections to the project area.² The database indicated that the following federally-recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the APE of the proposed abandonment: Catawba Indian Nation (aka Catawba Indian Tribe of South Carolina), Cherokee Nation, Eastern Band of Cherokee Indians, and Muscogee (Creek) Nation. Accordingly, OEA is sending a copy of this Draft EA to these Tribes for review and comment.

CONDITIONS

OEA recommends that the following condition be imposed on any decision granting abandonment authority:³

Norfolk Southern Railway Company shall consult with the South Carolina Department of Transportation regarding its concerns about maintenance and safety of at-grade crossings.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the Line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

² U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed November 18, 2024).

³ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with this condition is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.

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 Board's Federal Register notice of the proposed abandonment. The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁴

TRAIL 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). The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁵

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

⁴ Board decisions are available for viewing on the Board's website at www.stb.gov by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "290" "415" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

⁵ Id.

COMMENTS

OEA encourages interested parties to submit their comments on the Draft EA electronically through the Board's website at <https://www.stb.gov/>. From the Board's home page, select "File an Environmental Comment" below the "Need Assistance?" button. Log-in accounts are not needed to file environmental comments electronically, and brief comments can be typed in the comment field, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

Alternatively, comments submitted by mail should be addressed to: Adam Assenza, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. AB 290 (Sub-No. 415X). If you have any questions, please contact Adam Assenza by email at adam.assenza@stb.gov or by phone at 202-245-0301.

Date made available to the public: November 25, 2024.

Comment due date: December 10, 2024.

By the Board, Danielle Gosselin, Director, Office of Environmental Analysis.

Attachment

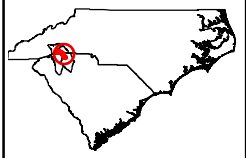
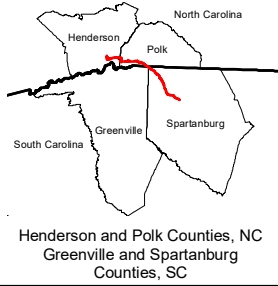


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Legend

— The Line

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



North and South Carolina