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SERVICE DATE – NOVEMBER 25, 2024

OEA

EAXX-472-00-0-1730457965

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**DRAFT ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 290 (Sub-No. 414X)**

**Norfolk Southern Railway Company – Abandonment Exemption –  
In Pitt County, N.C.**

**BACKGROUND**

In this proceeding, Norfolk Southern Railway Company (NSR) filed a notice with the Surface Transportation Board (Board) under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with abandonment of a line of railroad located in Pitt County, North Carolina. The rail line proposed for abandonment is approximately one mile in length and extends from West 14<sup>th</sup> Street northward to Dickinson Avenue in the city of Greenville (the Line). A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA). If this notice becomes effective, NSR would be able to salvage the track, and other railroad appurtenances and to dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

The Line travels in a northeasterly direction through nearly level terrain, past commercial, industrial and residential land uses. According to NSR, the land for the Line was originally acquired by the Raleigh and Pamlico Sound in 1906 (chartered originally as the Raleigh and Eastern North Carolina Railroad Company) for a planned rail line in North Carolina from Raleigh eastward to Washington and southward to New Bern. NSR notes that by 1910, construction of the segment between Zebulon and Chocowinity had been completed. The Line branches off from this segment near Greenville. NSR indicates that through a series of consolidations, mergers, and name changes, the Line has been in NSR's ownership since 1910.

NSR notes that it has a combination of fee simple ownership and easement rights over the right-of-way connecting to the Line. The right-of-way is generally 15 to 30 feet in width, and the Line traverses United States Zip Code 278344. Based on available information, NSR states that the Line does not contain any federally granted rights-of-way.

**ENVIRONMENTAL REVIEW**

NSR submitted a combined 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 abandonment-related salvage activities. NSR provided the E&H Report to a

number of appropriate federal, state, and local agencies as required by the Board's environmental rules [49 C.F.R. § 1105.7(b)] implementing the National Environmental Policy Act (NEPA).<sup>1</sup> 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 for at least two years, and there is no need to reroute any overhead traffic. 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. If abandonment authority is granted, NSR states that it would not salvage the Line. Rather, the Line would be left fully intact; no rail or track materials would be removed, and no grading or other subsurface disturbances would occur as a result of the proposed abandonment.

NSR submitted the E&H Report to the North Carolina Department of Administration, State Environmental Review Clearinghouse (NCSERC) and received comments from several administrative offices of the Department of Environmental Quality (DEQ). Specifically, by letter dated, August 14, 2024, the Division of Waste Management's (DWM) Superfund Section commented that it had identified a number of Superfund hazardous waste and brownfield sites within close proximity of the proposed abandonment and recommended that NSR further review DWM's site files before beginning construction or other ground disturbing activities to ensure that appropriate precautions are taken for the potential release of contaminants into the surrounding soil and groundwater. By letter dated August 13, 2024, the DWM's Solid Waste Section commented that the proposed abandonment would not adversely affect the resources under its jurisdiction but cautioned that any non-reusable or non-recyclable waste generated during grading, demolition or construction be properly disposed of at a licensed solid waste facility and that the disposal contractor provide proof of such disposal. By letter dated August 30, 2024, the DWM's Washington Regional Underground Storage Tank Section commented that a search of its data bases found no evidence of petroleum releases from underground storage tanks within the area of the proposed abandonment and concluded that the proposed

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<sup>1</sup> The E&H Report is available for viewing on the Board's website at <https://stb.gov> by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "290" "414" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on October 31, 2024.

abandonment would not have an adverse effect on groundwater. Finally, DEQ provided a generic check list of all permits that may be applicable to the proposed abandonment, should there be any disturbances to land, water or air resources under its jurisdiction. OEA does not anticipate the need for any of these reviews or permits because NSR has indicated that no abandonment-related salvage or other ground disturbing activities would occur. OEA is providing a copy of this Draft EA to NCSERC for review.

By letter dated August 9, 2024, the Pitt County Planning Department commented that it does not have planning or zoning authority in the City of Greenville and recommended that NSR contact the City of Greenville.

The City of Greenville commented that the Line is intended to be incorporated into the City's greenway system as part of the Better Utilizing Investments to Leverage Development (BUILD) project, a nearly \$42 million project approved by the Greenville City Council in 2023. The City concluded that the proposed abandonment is in compliance with its future plans.

By letter dated August 29, 2024, the North Carolina Department of Transportation's Transportation Planning Division provided a status update of a number of roadway improvement and greenway/multi-use recreational transportation projects underway in the area of the proposed abandonment, including what it referred to as the "Norfolk-Southern Rail Corridor."

By letter dated October 1, 2024, the Natural Resources Conservation Service commented that the proposed abandonment is not located in an area with prime agricultural soils and is exempt from the provisions of the Farmland Protection Policy Act. Therefore, no further consultation is required.

NSR submitted the E&H Report to the U.S. Army Corps of Engineers, Wilmington District (USACE) for comments on potential permitting requirements under Section 404 of the Clean Water Act (CWA) (33 U.S.C. § 1344). To date, OEA has not received a response from USACE but does not anticipate the need for a permit under the CWA because NSR does not intend to disturb any roadbed underlying the Line or do any work in waters of the U.S. OEA is providing a copy of this Draft EA to USACE for review.

By email dated November 12, 2024, the National Geodetic Survey (NGS) commented that there may be geodetic survey markers in or near the right-of-way that could be disturbed by the proposed abandonment. NGS requested to be contacted at least 90 days prior to beginning any salvage or other ground-disturbing activities to allow for their relocation. OEA believes that no further consultation is required because NSR has indicated that no abandonment-related salvage or other ground disturbing activities would occur. OEA is providing a copy of this Draft EA to NGS for review.

The proposed abandonment is not located within a Coastal Zone.<sup>2</sup> Therefore, no further consultation is required.

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<sup>2</sup> North Carolina Department of Environmental Quality, Division of Coastal

NSR requested comments from the U.S. Fish and Wildlife Service (USFWS) regarding potential impacts on protected wildlife, including federally listed threatened and endangered species under the Endangered Species Act (16 U.S.C. §§ 1531-1544). To date, USFWS has not provided comments on the proposed abandonment. To identify protected species in the project area, OEA conducted a search of the USFWS Information for Planning and Consultation (IPaC) system.<sup>3</sup> The following six species may be present in the project area:

Protected Species in Pitt County, North Carolina			
Group	Common Name	Federal Status	Habitat Description
Mammals	Tricolored Bat	Proposed Endangered	Living and dead leaf clusters of live or recently dead deciduous hardwood trees.
Reptiles	American Alligator	Threatened	Wetlands of the Southeastern United States.
Amphibians	Neuse River Waterdog	Threatened	Limited to the Neuse and Tar-Pamlico River basins of North Carolina.
Clams	Atlantic Pigtoe	Threatened	Rivers and streams that feed into the Gulf of Mexico.
	Tar River Spiny mussel	Endangered	Unconsolidated beds of coarse sand and gravel in relatively fast-moving water.
Insects	Monarch Butterfly	Candidate	Prairies, meadows, grasslands and along roadsides.

The database indicates that there is no designated critical habitat for these species in the project area. OEA has determined that the proposed abandonment would have no effect on these federally listed species because the Line is located in a residential, commercial and industrial area; no trees, culverts, bridges or trestles would be removed; and NSR does not intend to conduct any salvage. OEA is providing a copy of this Draft EA to USFWS Raleigh Field Office 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 USACE Wilmington District; NGS; the USFWS, Raleigh Field Office; and the NCSERC for review.

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Management website at <https://www.deq.nc.gov/about/divisions/coastal-management/about-coastal-management/cama-counties> (last visited November 12, 2024).

<sup>3</sup> U.S. Fish and Wildlife Service, Information for Planning and Consultation (IPaC) system, <https://ecos.fws.gov/ipac> (last visited November 4, 2024).

## **HISTORIC REVIEW**

NSR submitted an 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, State Historic Preservation Office (SHPO), pursuant to 49 C.F.R. § 1105.8(c).<sup>4</sup> By letters dated September 3, 2024 and November 7, 2024, the SHPO commented (SHPO References #25-E-0000-0016; 25-E-0000-0068; and ER-24-1893) that it is not aware of any historic resources that would be affected by the proposed abandonment. Further, SHPO concluded that no historic resources would be affected as a result of the proposed abandonment.

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 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(e), consists of NSR's historic report, all relevant correspondence, and this Draft EA, which have been provided to SHPO and made available to the public through posting on the Board's website at <https://stb.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development Tribal Directory Assessment Tool to identify federally recognized tribes that may have ancestral connections to the project area.<sup>5</sup> The database indicates that there are two federally recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way or APE of the proposed abandonment. The two tribes are: the Catawba Indian Nation (also referred to as Catawba Indian Tribe of South Carolina) and the Tuscarora Nation. OEA is sending a copy of this Draft EA to these tribes for review and comment.

## **CONDITIONS**

OEA recommends no conditions be imposed on any decision granting abandonment authority.

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<sup>4</sup> Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the NHPA. Applicants are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation Letter can be found on the Board's website at <https://stb.gov/resources/environmental/historic-preservation-overview/>.

<sup>5</sup> U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tadat/> (last visited November 5, 2024).

## **CONCLUSIONS**

Based on the information provided from all sources to date, OEA 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 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.<sup>6</sup>

## **TRAILS USE**

A request for a 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.<sup>7</sup>

## **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.

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<sup>6</sup> Board decisions are available for viewing on the Board's website at <https://www.stb.gov> by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "290" "414" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

<sup>7</sup> Id.

**COMMENTS**

OEA encourages interested parties to submit their comments on the Draft EA electronically through the Board’s website at <https://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: Diana Wood, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. AB 290 (Sub-No. 414X). If you have any questions, please contact Diana Wood by email at [Diana.Wood@stb.gov](mailto:Diana.Wood@stb.gov) or by phone at 202-934-0388.

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



**Docket No. AB 290 (Sub-No. 414X)**  
 Norfolk Southern Railway  
 Abandonment Exemption  
 In Pitt County, N.C.

**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.



Pitt County, NC



North Carolina