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SERVICE DATE – LATE RELEASE DECEMBER 22, 2010

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 290 (Sub-No. 318X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN
CRAWFORD COUNTY, GA.

Decided: December 22, 2010

Norfolk Southern Railway Company (NSR) and Georgia Midland Railroad, Inc. (GMR), filed a joint notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments and Discontinuances of Service, for NSR to abandon, and for GMR to discontinue service over, a 5.06-mile portion of rail line (the Perry line), between milepost FV 90.44 and milepost FV 95.50, in Roberta, Crawford County, Ga. Notice of the exemptions was served and published in the Federal Register on November 23, 2010 (75 Fed. Reg. 71,487).¹ The exemptions are scheduled to become on December 23, 2010.

The Board's Office of Environmental Analysis (OEA)² served an environmental assessment (EA) in this proceeding on November 24, 2010. In the EA, OEA indicates that the National Geodetic Survey (NGS) has advised that two geodetic station markers have been identified that could be affected by the proposed abandonment. Accordingly, OEA recommends that a condition be imposed requiring NSR to consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy the station markers.

OEA states that NSR and GMR submitted a historic report as required under 49 C.F.R. § 1105.8(a) and served the report on the Georgia Department of Natural Resources, Historic Preservation Division (SHPO), pursuant to 49 C.F.R. § 1105.8(c). OEA adds that in a June 21, 2010 reply, the SHPO stated that there are no archaeological resources listed in or eligible for listing in the National Register of Historic Places (National Register) that would be affected by the proposed abandonment (SHPO Project Reference No. GA-100611-005); however, the SHPO requested additional information regarding two timber bridges on the line. According to OEA, NSR provided the additional information and the SHPO concluded in a letter of June 24, 2010, that the line and the bridges should be considered eligible for inclusion in the National Register under Criteria A and C. The SHPO also concluded that removal of the bridges would result in an adverse effect on historic properties.

¹ The notice that was served and published embraced Docket No. AB-1059X, Georgia Midland Railroad—Discontinuance of Service Exemption—in Crawford County, Ga.

² Previously the Section of Environmental Analysis, or SEA.

OEA further states that NSR communicated with the SHPO on August 23, 2010 and August 24, 2010 to clarify the SHPO's conclusion. During the discussions, the SHPO stated that should no third party come forward to preserve the line's right-of-way and the bridges, NSR could remove the bridges and dispose of the right-of-way if NSR first created a permanent archival record of the bridges and the immediately surrounding area.

Finally, OEA states that pursuant to Section 106 of the National Historic Preservation Act, and following consultation with the SHPO and the public, it has determined that the proposed abandonment may have an adverse effect on historic properties listed in or eligible for inclusion in the National Register. Accordingly, OEA recommends that a condition be imposed requiring NSR 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.³

No comments to the EA were received. Accordingly, the conditions recommended by OEA in the EA will be imposed. Based on OEA's recommendation, the proposed abandonment, if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the notice served and published in the Federal Register on November 23, 2010, exempting the abandonment/discontinuance of the line described above is subject to the conditions that NSR shall: (1) consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers; and (2) 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. NSR shall report to OEA regarding any consultations with the SHPO and the public. NSR may not file its notice of consummation 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 the condition.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

³ OEA states that it conducted a search of the Native American Consultation database to identify Federally recognized tribes that may have ancestral connections to the project area. According to OEA, the database did not identify any tribes as having connections to Crawford County.