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SERVICE DATE – LATE RELEASE DECEMBER 26, 2012

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 290 (Sub-No. 338X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN
BEAUFORT COUNTY, N.C.

Decided: December 26, 2012

Norfolk Southern Railway Company (NSR) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon approximately 0.76 miles of rail line between milepost WL 25.94 (at the line's crossing of Highway 306) and milepost WL 26.70, in Aurora, Beaufort County, N.C. Notice of the exemption was served and published in the Federal Register on September 11, 2012 (77 Fed. Reg. 55,898). The exemption became effective on October 11, 2012.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) in this proceeding on September 14, 2012, recommending the imposition of one environmental condition. Comments to the EA were received, and in its Post EA, OEA recommended that three additional environmental conditions be imposed upon any decision granting abandonment authority. By decision served October 10, 2012, the abandonment exemption for the line was made subject to the conditions that, prior to commencement of any salvage activities, NSR must consult with: (1) the Town of Aurora regarding any abandonment related activities that may impact its Municipal Separate Storm Sewer Systems (MS4) program; (2) an appropriate individual at the U.S. Fish and Wildlife Service (USFWS) Raleigh Field Office responsible for determining potential sedimentation impacts to aquatic species; (3) the North Carolina Division of Land Resources, Land Quality Section to determine the need to prepare an erosion and sedimentation control plan; and (4) the USFWS Raleigh Field Office regarding ways to mitigate secondary and cumulative impacts to aquatic and terrestrial wildlife resources and water quality pursuant to the guidance found at <http://www.fws.gov/raleigh>.

In a Supplemental Final EA, OEA now states that, in an e-mail dated December 5, 2012, the National Geodetic Survey (NGS) indicated that approximately three station markers may be located in the area proposed for abandonment. Therefore, OEA recommends that a new environmental condition be imposed requiring NSR to consult with NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers in order to plan for the possible relocation of the station markers by NGS.

Accordingly, the proceeding will be reopened and the newly recommended condition will be imposed.¹

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 September 11, 2012, exempting the abandonment of the line described above is subject to a new environmental condition requiring NSR to consult with NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers in order to plan for the possible relocation of the station markers by NGS.
3. This decision is effective on its service date.

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

¹ The environmental conditions imposed in the October 10, 2012 decision remain in effect.