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SERVICE DATE – MAY 1, 2014

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 290 (Sub-No. 351X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT
EXEMPTION—IN BOTETOURT COUNTY, VA.

Decided: April 30, 2014

By decision served on April 2, 2014, the Board, under 49 U.S.C. § 10502, exempted from the prior approval requirements of 49 U.S.C. § 10903 the abandonment by Norfolk Southern Railway Company (NSR) of approximately 0.71 miles of rail line, consisting of part of the Cloverdale Branch and extending from milepost C 8.19 to milepost C 8.90 in Troutville, Botetourt County, Va. The exemption was subject to standard employee protective conditions and an historic preservation condition.

The imposed historic preservation condition: (1) required 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 that are eligible for listing or listed in the National Register of Historic Places (National Register) until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed; (2) required NSR to report to the Board's Office of Environmental Analysis (OEA) regarding any consultations with the Virginia Department of Historic Resources (SHPO) and the public; and (3) prohibited NSR from filing its consummation notice or initiating 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. The condition was imposed to provide the SHPO adequate time to consider and comment on the Board's finding that no historic properties listed in or eligible for listing in the National Register would be affected by the abandonment.

In a Supplemental Final Environmental Assessment dated April 18, 2014, OEA states that, by letter received April 17, 2014, the SHPO concurs with the Board's finding that no historic properties listed in or eligible for listing in the National Register would be affected by the proposed abandonment. The SHPO states that its concurrence with the Board's finding is based on information provided by NSR and OEA, as well as additional information obtained from the SHPO's archives.

For the foregoing reasons, OEA recommends that the Section 106 condition imposed in the April 2, 2014 decision be removed. Accordingly, based on OEA's recommendation, this proceeding will be reopened and the previously imposed historic preservation condition will be removed.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The proceeding is reopened.
2. The Section 106 historic preservation condition imposed in the April 2, 2014 decision in this proceeding is removed.
3. This decision is effective on its service date.

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