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SERVICE DATE – JUNE 9, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 210X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN  
FULTON COUNTY, GA

Decided: June 8, 2009

On December 3, 2008, Norfolk Southern Railway Company (NSR) filed a verified notice of exemption under 49 CFR 1152.50 to abandon a 4.30-mile line of railroad between mileposts DF 633.10 and DF 637.40, in Atlanta, Fulton County, Georgia. The exemption was scheduled to become effective on January 22, 2009. By decision served on January 21, 2009 (January 2009 decision), the proceeding was reopened and the exemption was made subject to two environmental conditions, requiring NSR to: (1) consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any of the seven geodetic station markers along the line; 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 that are eligible for listing or are listed in the National Register of Historic Places until the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470(f), has been completed, report back to the Board's Section of Environmental Analysis (SEA) regarding any consultations with the Georgia Department of Natural Resources, Historic Preservation Division (SHPO) and the public, and not file its consummation notice or initiate any salvage activities related to the abandonment (including removal of tracks and ties) until the section 106 process has been completed and the Board has removed this condition.

On January 21, 2009, the Board also served a decision staying the effectiveness of the exemption pending further order of the Board. By decision served on April 10, 2009, the stay decision was vacated and the decision became effective on that date, subject to the two previously imposed conditions.

By letter dated May 21, 2009, NSR requests removal of the section 106 historic preservation condition imposed in the January 2009 decision. Attached to its letter is correspondence dated May 14, 2009, from the SHPO indicating that the SHPO has determined that the proposed abandonment would not result in adverse effects on historic properties. SEA states that it concurs with the SHPO, and, therefore, recommends that the section 106 historic

preservation condition be removed. Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.<sup>1</sup>

This action 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. Upon reconsideration, the section 106 historic preservation condition imposed in the January 2009 decision is removed.
3. This decision will be effective on its service date.

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

Anne K. Quinlan  
Acting Secretary

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<sup>1</sup> The remaining condition imposed in the January 2009 decision is still in effect, but it is self-executing and is not a barrier to consummation by NSR of this abandonment.