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SERVICE DATE - FEBRUARY 4, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 213X)

NORFOLK SOUTHERN RAILWAY COMPANY – ABANDONMENT EXEMPTION – IN
WISE COUNTY, VA

Decided: January 31, 2002

Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 CFR 1152 Subpart F – Exemption Abandonments to abandon a 0.66-mile line of railroad between milepost LT-0.0 and LT-0.66 at Banner, Wise County, VA. Notice of the exemption was served and published in the Federal Register on January 4, 2002 (67 FR 626-27). The exemption is scheduled to become effective on February 5, 2002.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on January 11, 2002. Comments to the EA were due by January 25, 2002. No comments to the EA were received. In the EA, SEA stated that the National Geodetic Survey (NGS) had identified one geodetic station marker that may be affected by the proposed abandonment. Accordingly, upon a request by NGS, SEA recommended that a condition be imposed requiring NSR to consult with NGS and provide NGS with 90 days' notice prior to disturbing or destroying the geodetic marker. Also, SEA stated that the U.S. Fish and Wildlife Service (USFWS) had expressed concern about six Federally listed endangered and/or threatened species (three mussel species, the Indiana Bat, the Small Whorled Pogonia, and the Virginia Spiraea) and a candidate species (the Fluted Kidneyshell Mussel). USFWS indicated that these species have been documented or may occur in Wise County. SEA recommended that, in the event these species are encountered during salvage of the line, NSR should consult with the USFWS pursuant to the Endangered Species Act, 16 U.S.C. 1531 et seq.¹ These conditions will be imposed.

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ SEA noted that USFWS advised that, to minimize impacts to Wise County's valuable aquatic resources, NSR should implement strict erosion control measures during land disturbing activities. SEA further noted that USFWS believed that, if strict erosion control measures were taken, the proposed action would have no effect on Federally listed species.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the conditions that: (1) NSR consult with NGS and provide NGS with 90 days' notice prior to disturbing or destroying the identified geodetic marker; (2) in the event the above named species are encountered during salvage of the line, NSR shall consult with USFWS pursuant to the Endangered Species Act, 16 U.S.C. 1531 et seq.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary