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SERVICE DATE - JANUARY 3, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 214X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT  
EXEMPTION—IN BUCHANAN COUNTY, VA

Decided: December 30, 2002

Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 6.4-mile line of railroad between milepost DC-16.6 at Wyatt and milepost DC-23.0 at Jewell Valley, in Buchanan County, VA. Notice of the exemption was served and published in the Federal Register on December 5, 2002 (FR 67 72435-36). The exemption is scheduled to become effective on January 4, 2003.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on December 10, 2002. In the EA, SEA states that the National Geodetic Survey (NGS) has identified two geodetic station markers that may be affected by the proposed abandonment. NGS requests that it be notified 90 days in advance of any activities that may disturb or destroy these markers in order to plan for their relocation. Therefore, SEA recommends that a condition be imposed requiring NSR to consult with the NGS and provide NGS with 90 days' notice prior to salvage activities in order to plan for their relocation.

SEA also states that the United States Department of Interior, Fish and Wildlife Service in Gloucester, VA, has indicated that, based on the project description, it appears that this project is not likely to adversely affect any federally listed or proposed species or their designated critical habitat. However, the Commonwealth of Virginia Department of Game and Inland Fisheries has advised that the state endangered variegate darter has been documented in the project area. Therefore, SEA recommends that prior to salvage activities, NSR be required to consult with the Commonwealth of Virginia Department of Game and Inland Fisheries, (Amy Martin at 804-367-2211) to evaluate potential impacts to the state endangered variegate darter that may occur in waterways which are crossed by or are adjacent to the rail line proposed for abandonment.

The recommended 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.

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 NSR: (a) consult with NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic station markers in order to plan for their relocation; and (b) prior to salvage activities, NSR consult with the Commonwealth of Virginia Department of Game and Inland Fisheries (Amy Martin at 804-367-2211) to evaluate potential impacts to the state endangered variegate darter that may occur in waterways which are crossed by or are adjacent to the rail line proposed for abandonment.
3. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams  
Secretary