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Service Date- December 6, 1996

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SURFACE TRANSPORTATION BOARD

DECISION

S.B. Docket No. AB-290 (Sub-No. 18OX)

NORFOLK AND WESTERN RAILWAY COMPANY--ABANDONMENT  
EXEMPTION--IN McDOWELL COUNTY, WV

Decided: December 4, 1996

Norfolk and Western Railway Company (NW) filed a notice of exemption under 49 CFR 1152 subpart F--Exempt Abandonments to abandon 2.5-mile line of its railroad between milepost T-16.0 at Pageton and milepost T-18.5 at Anawalt, in McDowell County, WV. The notice was published in Federal Register on November 7, 1996 (61 FR 57727-28). The exemption is scheduled to become effective on December 7, 1996.

The Board's Section of Environmental Analysis (SEA) has issued an environmental assessment (EA) in this proceeding, served November 14, 1996. In the EA, SEA indicates that the West Virginia Department of Culture and History has not completed its evaluation of the potential impact of this abandonment on historic resources. SEA recommends that a condition be imposed requiring NW to retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470 f.

SEA also indicates that the National Geodetic Survey (N G S) has identified three geodetic markers that may be affected by the abandonment. NGS states that it must be notified 90 days in advance to plan relocation of any markers which maybe disturbed or destroyed. Therefore, SEA recommends that a condition be imposed requiring NW to consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers.

The recommended conditions will be imposed. As conditioned, the abandonment will not significantly affect either the quality of the human environment or 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 **NW** shall: (a) retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of way until the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470 f, is completed; and (b) consult with the N G S and provide N G S with 90 days' notice prior to disturbing or destroying any geodetic markers.
3. This decision is effective on the service date.

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

Vernon A. Williams  
Secretary

