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SERVICE DATE – JANUARY 31, 2012

SURFACE TRANSPORTATION BOARD

Docket No. AB 290 (Sub-No. 328X)

DECISION

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—
IN MARIETTA, LANCASTER COUNTY, PA.

Decided: January 30, 2012

Norfolk Southern Railway Company (NSR) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon 2.0 miles of rail line extending from milepost MU 83.9 (near S. Bridge Street) to milepost MU 85.9 (south of the intersection of Railroad Ave. and Old River Road), in the Borough of Marietta, Lancaster County, Pa. Notice of the exemption was served and published in the Federal Register on December 30, 2011 (76 Fed. Reg. 82,348). The exemption is scheduled to become effective on February 1, 2012.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) in this proceeding on January 6, 2012. In the EA, OEA states that the National Geodetic Survey (NGS) has identified 3 geodetic station markers that may be affected by the proposed abandonment. Therefore, OEA has recommended in the EA that NSR be required to consult with and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers.

OEA states in the EA that the U.S. Environmental Protection Agency (EPA), Region 3, has provided comments to NSR indicating that, if salvage of the line proposed to be abandoned would disturb an area greater than 1 acre, NSR may be required to obtain a National Pollution Discharge Elimination (NPDES) permit. EPA advises that, if the NPDES permit is needed, NSR can obtain it from the Pennsylvania Department of Environmental Protection (PA DEP). OEA notes in the EA that, in a letter to NSR, the PA DEP's Office of Water Quality stated that the line appears to be located within the flood plain of the Susquehanna River. If so, the Office of Water Quality recommends that, prior to the initiation of salvage activities, NSR be required to obtain a PA DEP Water Obstruction and Encroachment permit or a General permit and to develop an erosion and sedimentation control plan. OEA also notes in the EA that, in another letter to NSR, the PA DEP's Office of Waste Management has provided comments on the proposed abandonment and recommends that, prior to the onset of salvage operations, the following measures should be taken to ensure that: (1) airborne dust nuisances are minimized; (2) any debris or dirt that is moved onto paved streets be promptly removed; (3) any debris from salvage be properly transported and disposed of at a PA DEP permitted facility; and (4) open burning does not occur. Therefore, OEA has recommended in the EA that, prior to the initiation of salvage activities, NSR be required to consult with the PA DEP's Offices of Water Quality and Waste Management to ensure that reasonable measures are taken to minimize airborne dust, to

ensure that appropriate water control measures are implemented and to obtain any permits that may be required.

OEA states in the EA that the Borough of Marietta (Borough) has submitted comments to NSR indicating that it is supportive of the proposed abandonment. In its comments, the Borough states that, because the line is located between the Borough and the Susquehanna River, it is asking NSR for its full corporation and assistance in implementing a flood control program and in developing a river trail in the area of the line. Therefore, OEA has recommended in the EA that, prior to the initiation of salvage operations, NSR be required to consult with the Borough regarding the implementation of its flood control program and other issues of concern to the Borough.

A comment in response to the EA was received from the PA DEP's Southcentral Regional Office by the January 23, 2012 comment due date. The comment recommends that NSR's contractors and workers involved in salvage activities for the proposed abandonment look out for foreign objects that may have landed from passing trains and may now be located near or on the rail line. This comment is in addition to previous comments provided by DEP's Offices of Water Quality and Waste Management, whose concerns were addressed by OEA in the above-described condition in the EA served on January 6, 2012. Based upon the new comment received, OEA recommends that the condition be amended to provide that: prior to the initiation of salvage activities, NSR shall consult with the PA DEP's Offices of Water Quality, Waste Management, and its Southcentral Regional Office to ensure that reasonable measures are taken to minimize airborne dust, to ensure that appropriate water control measures are implemented, to obtain any permits that may be required, and to make certain that NSR's contractors and workers involved in salvage activities look out for foreign objects that may have landed from passing trains and may now be located near or on the rail line. OEA continues to recommend the imposition of the other two environmental conditions as set forth in the EA.

Accordingly, the conditions recommended by OEA in the EA, as modified in the final EA, will be imposed. Based on OEA's recommendation, the proposed abandonment, if implemented as conditioned, 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 notice served and published in the Federal Register on December 30, 2011, exempting the abandonment of the line described above, is subject to the conditions that NSR shall: (a) consult with and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers; (b) prior to the initiation of salvage activities, consult with the PA DEP's Offices of Water Quality, Waste Management, and its Southcentral Regional Office to ensure that reasonable measures are taken to minimize airborne dust, to ensure that appropriate water control measures are implemented, to obtain any permits that may be required, and to make certain that NSR's contractors and workers involved in salvage activities look out for foreign objects that may have landed from passing

trains and may now be located near or on the rail line; and (c) prior to the initiation of salvage activities, consult with the Borough regarding the implementation of its flood control program and other issues of concern to the Borough.

3. This decision is effective on its date of service.

By the Board, Julia M. Farr, Acting Director, Office of Proceedings.