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SERVICE DATE – MAY 16, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 227X)

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

Decided: May 16, 2003

Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 2.9-mile line of railroad, between milepost CH-3.6 at Hurricane Junction and milepost CH-6.5, at Clinchfield, Russell County, VA.<sup>1</sup> Notice of the exemption was served and published in the Federal Register on April 18, 2003 (68 FR 19250). The exemption is scheduled to become effective on May 18, 2003.

The Board’s Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on April 25, 2003. In the EA, SEA states that the Commonwealth of Virginia Department of Environmental Quality - Abingdon Regional Office (VA DEQ), has indicated that the Virginia Air Pollution Regulation for fugitive dust emissions (9 VAC 5-40-90) could be applicable at this site. According to VA DEQ, fugitive air emissions should be controlled during the project and any land clearing debris should be disposed of in an approved manner. VA DEQ adds that NSR should comply with open burning and fugitive air emission regulations. VA DEQ also indicates that stormwater permits are required for land disturbing activities greater than one acre, but that a Virginia Water Protection Permit will not be required if work is not performed in the streams or below the ordinary high water line during salvage activities. Finally, VA DEQ states that strict soil and erosion control methods should be followed during any land disturbance that could result in sedimentation to streams in the project area. Therefore, SEA recommends that a condition be imposed requiring NSR to contact VA DEQ prior to commencement of any salvage activities on this project.

SEA also states that the Commonwealth of Virginia Department of Conservation and Recreation (VA DCR) recommends the implementation of and strict adherence to erosion and sediment control measures during all land disturbing activities to minimize adverse impacts to the aquatic

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<sup>1</sup> An exemption allowing NSR’s predecessor, Norfolk and Western Railway Company, to discontinue service over this line was granted in 1990. See Norfolk and Western Railway Company–Discontinuance Exemption–in Russell County, VA, Docket No. AB-290 (Sub-No. 97X) (ICC served July 16, 1990).

ecosystem as a result of the proposed activities. Therefore, SEA recommends that a condition be imposed requiring NSR to implement and strictly adhere to such measures during all salvage and land disturbing activities in order to minimize adverse impacts to the aquatic ecosystem.<sup>2</sup>

SEA also indicates that it has been advised by the Commonwealth of Virginia Department of Game and Inland Fisheries that the state threatened black sandshell mussel (*Ligumia recta*) may occur in streams or waterways crossed by or adjacent to the rail line. Accordingly, SEA recommends that a consultation condition be imposed requiring NSR to contact the Virginia Department of Game and Inland Fisheries prior to salvage activities to evaluate impacts to the mussel species.

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: (1) prior to commencement of any salvage activities on this project, NSR contact VA DEQ concerning possible impacts on air quality from fugitive dust emissions and any water quality permitting requirements; (2) NSR implement and strictly adhere to erosion and sediment control measures during all salvage and land disturbing activities in order to minimize adverse impacts to the aquatic ecosystem; and (3) prior to any 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 threatened black sandshell mussel (*Ligumia recta*) that may occur in waterways that are crossed by or are adjacent to the line proposed for abandonment.
3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary

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<sup>2</sup> This condition was added by SEA as a post environmental assessment recommendation for purposes of clarity.