

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 219X)

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

Decided: February 4, 2002

Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 2.23-mile line of railroad between milepost HS-0.0 at Oakwood and milepost HS-2.23 at Mills, in Buchanan County, VA. Notice of the exemption was served and published in the Federal Register on January 7, 2002 (67 FR 767-68). The exemption is scheduled to become effective on February 6, 2002.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) 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 U.S. Department of the Interior, Fish and Wildlife Service (FWS) indicated that two federally listed endangered and/or threatened species, the Indiana Bat and the Virginia Spiraea, have been documented in the adjacent county and may occur in Buchanan County. Therefore, SEA recommends imposition of a condition that, if these species are encountered during salvage operations, NSR shall consult with FWS pursuant to the Endangered Species Act, 16 U.S.C. 1531 et seq.¹

The recommended condition 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 condition that, if the Indiana Bat and the Virginia Spiraea are encountered during

¹ SEA noted that FWS advised that, to minimize impacts to Buchanan County's valuable aquatic resources, NSR should implement strict erosion control measures during salvage operations. SEA further noted that FWS believed that, if strict erosion control measures were taken, the proposed action would have no effect on the federally listed species.

salvage operations, NSR shall consult with FWS 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