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SERVICE DATE - JANUARY 18, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 220X)

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

Decided: January 15, 2002

Norfolk Southern Railway Company (NSR) filed a verified notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 3.03-mile line of railroad between milepost A-0.0, at Arno Jct., and milepost A-3.03, at Derby, in Wise County, VA (rail line). Notice of the exemption was served and published in the Federal Register on December 21, 2001 (66 FR 66017). The exemption is scheduled to become effective on January 22, 2002.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on December 28, 2001. Comments to the EA were due by January 11, 2002. No comments to the EA were received. In the EA, SEA stated that the Commonwealth of Virginia Department of Environmental Quality had indicated that the Virginia Air Pollution Regulation for fugitive dust emissions (9 VAC 5-40-90) could be applicable at this site.

Also, SEA stated that both the U.S. Fish and Wildlife Service (US FWS) and the Commonwealth of Virginia Department of Game and Inland Fisheries had advised SEA that there were a number of species with federal status and species of concern in Wise County.<sup>1</sup>

Based on the above, SEA recommended that the following two environmental conditions be placed on any decision granting abandonment authority: (1) to address the concerns raised by the Commonwealth of Virginia Department of Environmental Quality, NSR should, prior to commencement of any salvage activities on this project, contact the Commonwealth of Virginia Department of Environmental Quality concerning possible impacts from fugitive dust emissions; and (2) prior to any salvage activities, NSR should consult with the Commonwealth of Virginia

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<sup>1</sup> SEA noted that, according to US FWS, the Commonwealth of Virginia Department of Game and Inland Fisheries, and SEA's own review, the species most likely to be affected include federally endangered or state endangered mussels which may occur in streams or waterways crossed by or adjacent to the rail line. SEA further noted that US FWS concluded that if strict erosion control measures were taken the proposed abandonment was not likely to adversely affect these mussel species.

Department of Game and Inland Fisheries (Amy Martin at 804-367-2211) to evaluate potential impacts to federal and state endangered mussel species that may occur in waterways that are crossed by or are adjacent to the rail line proposed for abandonment. The two environmental conditions recommended in the EA 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 rail line described above is subject to the following two environmental conditions: (1) to address the concerns raised by the Commonwealth of Virginia Department of Environmental Quality, NSR shall, prior to commencement of any salvage activities on this project, contact the Commonwealth of Virginia Department of Environmental Quality concerning possible impacts from fugitive dust emissions; and (2) prior to any salvage activities, NSR shall consult with the Commonwealth of Virginia Department of Game and Inland Fisheries (Amy Martin at 804-367-2211) to evaluate potential impacts to federal and state endangered mussel species that may occur in waterways that 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, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary