

29208
DO

SERVICE DATE - JUNE 2, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 198X)

NORFOLK AND WESTERN RAILWAY COMPANY--ABANDONMENT
EXEMPTION-- IN LYNCHBURG, GA

Decided: June 1, 1998

Norfolk and Western Railway Company (NW) filed a notice of exemption under 49 CFR 1152 Subpart F-- Exempt Abandonments to abandon a 0.74-mile line of railroad between milepost L-0.20 and milepost L-0.94 in Lynchburg, VA. Notice of the exemption was served and published in the Federal Register on May 5, 1998 (63 FR 24840-41). The exemption is scheduled to become effective on June 4, 1998.

The Board's Section of Environmental Analysis (SEA) has issued an environmental assessment (EA) in this proceeding, served May 8, 1998. In the EA, SEA states that the National Geodetic Survey (NGS) has identified seven geodetic station markers that may be affected by the abandonment. NGS requests that it be notified 90 days in advance of any activities that may disturb or destroy the seven geodetic station markers. 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.

SEA also indicates that the Commonwealth of Virginia, Department of Game and Inland Fisheries, requests that NW use appropriate erosion and sediment control measures, as set forth in the Virginia Erosion and Sediment Control Handbook, 1992, Virginia Department of Conservation and Recreation, and that the measures should be maintained throughout the project due to the close proximity of an intermittent stream. Therefore, SEA recommends that NW be required to use appropriate erosion and sediment control measures, as set forth in the Virginia Erosion and Sediment Control Handbook.

SEA also recommends that, prior to engaging in any salvage operations, NW be required to consult with the U. S. Army Corps of Engineers (Corps), Norfolk District, to determine if permits are necessary.

Additionally, based upon comments to the EA, SEA advises that the Commonwealth of Virginia, Department of Environmental Quality (DEQ), has expressed concern about air quality, water issues, and erosion and sediment control during salvage operations. DEQ states that, during salvage operations, NW is required to control fugitive air emissions and must comply with Virginia opening burning and fugitive air emission regulations and any hazardous waste or hazardous materials must be disposed of in an approved manner. DEQ further states that NW must comply with Virginia's regulations protecting water quality and employ appropriate erosion and sediment

control measures for track removal. Accordingly, SEA recommends imposition of a condition requiring that, prior to conducting salvage operations, NW shall consult with the DEQ's West Central Regional Office concerning air quality and waste issues; the Corps' Central Virginia Field Office (540) 263-8267, the Virginia Marine Resources Commission (757) 247-2200, and DEQ's West Regional Office concerning water issues;¹ and the Department of Conservation and Recreation, Division of Soil and Water Conservation's Henrico Field Office (804) 527-4484 concerning erosion and sediment control.

Finally, the United States Department of the Interior, Fish and Wildlife Service, advised that it has not completed its review of the proposed project for potential impacts to federal listed or proposed endangered species and designated critical habitat pursuant to the Endangered Species Act. Therefore, SEA recommends imposition of a condition requiring that NW shall not conduct any salvage activities or dispose of the line until the requirements of section 7 of the Endangered Species Act are met.

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 NW shall: (1) consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers; (2) consult with the DEQ's West Central Field Office concerning air quality and waste issues; the U.S. Army Corps of Engineers' Central Virginia Field Office, the Virginia Marine Resources Commission, and the DEQ's West Regional Office concerning water issues; and the Department of Conservation and Recreation, Division of Soil and Water Conservation's Henrico Field Office concerning soil erosion and sediment control; (3) NW shall use appropriate erosion and sediment control measures, as set forth in Virginia's Erosion and Sediment Control Handbook, 1995;² and (4) NW shall not conduct any salvage activities or dispose of the line until the requirements of section 7 of the Endangered Species Act are met.

¹ The EA served on May 8, 1998, stated that NW shall consult with the Corps' Norfolk District Office to determine if permits are necessary. The District and the Central Office are the same.

² One of the Virginia agencies referred to a 1995 edition of the Handbook. That reference is used here as it is more recent than the 1992 edition also referred to.

STB Docket No. AB-290 (Sub-No. 198X)

3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary