

34463
DO

SERVICE DATE - FEBRUARY 25, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 244X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—
IN PIKE COUNTY, KY

Decided: February 24, 2004

Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon an 8.74-mile line of railroad between milepost WP-2.20 at Toler and milepost WP-10.94 at Peg, in Pike County, KY. Notice of the exemption was served and published in the Federal Register on January 27, 2004 (69 FR 3994). The exemption is scheduled to become effective on February 26, 2004.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on January 30, 2004. In the EA, SEA notes that the National Geodetic Survey (NGS) has identified eight geodetic station markers that may be affected by the proposed abandonment. Therefore, SEA recommends that NSR provide NGS with at least 90 days' notice prior to initiation of any salvage operations that may disturb or destroy any geodetic station markers so that plans can be made for their relocation. Also, SEA states in the EA that the Kentucky Department of Natural Resources (KDNR) lists 17 threatened or endangered species that are known to exist in Pike County. Therefore, SEA recommends that, prior to any salvage activities, NSR be required to consult with KDNR to evaluate potential impacts to those species. Finally, SEA states in the EA that the Kentucky Heritage Council (SHPO) has not yet completed its assessment of the potential impact of this project on historic resources. Therefore, SEA recommends that NSR be required to retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA).

Comments to the EA were due by February 17, 2004. No comments were received by the due date. Accordingly, the environmental conditions recommended by SEA 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 line described above is subject to the conditions that NSR shall: (1) provide NGS with at least 90 days' notice prior to initiation of any salvage operations that may disturb or destroy any geodetic station markers so that plans can be made for their relocation; (2) consult with KDNR prior to beginning any salvage activities to evaluate potential impacts to threatened or endangered species that are known to exist in the area of the proposed abandonment; and (3) retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the section 106 process of the NHPA.

3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary