

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 189X)

NORFOLK AND WESTERN RAILWAY COMPANY--
ABANDONMENT EXEMPTION--IN MCDOWELL COUNTY, WV

Decided: July 9, 1997

Norfolk and Western Railway Company (NW) filed a notice of exemption under 49 CFR 1152 Subpart F--*Exempt Abandonments* to abandon a 1.0-mile line of railroad between milepost NF-0.0 at Northfork, and milepost NF-1.0 at Buzzards Creek Junction, WV.¹ Notice of the exemption was served and published in the *Federal Register* on June 16, 1997 (62 FR 32677-78). The exemption is scheduled to become effective on July 16, 1997.

The Board's Section of Environmental Analysis (SEA) has issued an environmental assessment (EA) in this proceeding, served June 25, 1997. In the EA, SEA states that the West Virginia Division of Environmental Protection (DEP) has requested that NW not dispose of ties on stream banks/streams or wetlands and further states that areas used for engine/train maintenance and refueling be identified for DEP on maps, including any accidental spills. Therefore, SEA recommends that NW consult with the DEP prior to conducting salvage activities.

SEA further states that the National Geodetic Survey (NGS) has identified two geodetic markers that may be affected by the abandonment. NGS states that it must be notified 90 days in advance to plan relocation of any markers which may be disturbed or destroyed. 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.

Finally, the West Virginia Department of Culture and History has not completed its evaluation of the potential impact of this abandonment on historic resources. SEA further recommends that a condition be imposed requiring NW 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.

As conditioned, this action 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 DEP prior to conducting salvage operations; (2) consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers; 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 the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, is completed.
3. This decision is effective on its service date.

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

¹ On June 24, 1997, the Board served a notice to the parties correcting the location of the milepost at NF-0.0.

Vernon A. Williams
Secretary