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SERVICE DATE - JANUARY 22, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 221X)

NORFOLK SOUTHERN RAILWAY COMPANY—
ABANDONMENT EXEMPTION—IN BUCHANAN 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 0.9-mile line of railroad between milepost RC-0.0, at Russell Creek, and milepost RC-0.9, at Caledonia, in Wise County, VA (line). Notice of the exemption was served and published in the Federal Register on December 21, 2001 (66 FR 66015). The exemption is scheduled to become effective on January 23, 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 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.¹

SEA further stated in the EA that the U.S. National Geodetic Survey (NGS) had advised SEA that one geodetic station marker, RV 158, may be affected by the proposed abandonment.

Based on the above, SEA recommended that the following two environmental conditions be placed on any decision granting abandonment authority: (1) 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

¹ 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 are a number of federally endangered or state endangered mussels which may occur in streams or waterways crossed by or adjacent to the line. SEA further noted that, although US FWS had concluded that, if strict erosion control measures were taken, the proposed abandonment was not likely to adversely affect these mussel species, the Commonwealth of Virginia Department of Game and Inland Fisheries seeks coordination with NSR prior to salvage to evaluate impacts on the mussel species.

endangered mussel species that may occur in waterways that are crossed or are adjacent to the line proposed for abandonment; and (2) NSR shall notify NGS at least 90 days prior to any salvage activities that may destroy geodetic station marker RV 158 so that plans can be made for its relocation.

The two recommended environmental 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 following two environmental conditions: (1) 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 or are adjacent to the line proposed for abandonment; and (2) NSR shall notify NGS at least 90 days prior to any salvage activities that may destroy geodetic station marker RV 158 so that plans can be made for its relocation.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary