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SERVICE DATE - JANUARY 26, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 190X)

NORFOLK SOUTHERN RAILWAY COMPANY--ABANDONMENT EXEMPTION--
IN FAYETTE COUNTY, AL

Decided: January 20, 1999

On September 10, 1997, Norfolk Southern Railway Company (NSR) filed a petition seeking an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a line of railroad known as the Berry-Belk Line, extending from milepost 862.8 at Berry, AL, to milepost 884.9 at or near Belk (Covin), AL, a distance of 22.1 miles in Fayette County, AL. A notice instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b) was served and published in the Federal Register on September 30, 1997 (62 FR 51180).

In a decision served December 29, 1997, the petition for exemption was granted, subject to standard labor protective conditions and four environmental conditions, including the condition that NSR shall retain its interest in and take no steps to alter the historic integrity of the right-of-way and the bridge over the Sipsey River at milepost 877.3 until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

On November 16, 1998, NSR submitted a letter to the Board's Section of Environmental Analysis (SEA), including a copy of a Memorandum of Agreement (MOA) executed by the Alabama State Historic Preservation Officer and NSR concerning the section 106 historic preservation condition imposed in this proceeding. NSR asks that, in view of the MOA, the Board remove the historic preservation condition. SEA indicates that the MOA, which has been signed by all parties, concludes the process implementing the section 106 process of the National Historic Preservation Act. SEA therefore recommends that the condition be removed.

Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.¹

¹ The other environmental conditions imposed in the December 29, 1997 decision in this proceeding will remain in effect.

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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 section 106 historic preservation condition imposed in the decision served December 29, 1997, is removed.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary