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SERVICE DATE - MAY 9, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 251X)¹

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—
IN CHOWAN COUNTY, NC

Decided: May 6, 2005

Norfolk Southern Railway Company (NSR) and North Carolina & Virginia Railway Company, Inc., The Chesapeake and Albemarle Division (NCVA) (referred to jointly as applicants), filed a joint notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments and Discontinuances of Service, for NSR to abandon, and for NCVA to discontinue service under a lease from NSR over, a 0.33-mile line of railroad between approximately milepost NS-73.67 and milepost NS-74.00 in Edenton, Chowan County, NC. Notice of the exemption was served and published in the Federal Register on July 16, 2004 (69 FR 42804-05).

By decision served on August 20, 2004, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to five environmental conditions requiring NSR to: (1) consult with the U.S. Fish and Wildlife Service regarding Federally listed threatened and endangered species, which may occur in the vicinity of the line proposed for abandonment, the environmental effects of salvage activities on those species, and what mitigation, if any, could be appropriate for any such effects; (2) consult with the North Carolina Department of Environment and Natural Resources regarding state listed threatened and endangered species which may occur in the vicinity of the line proposed for abandonment, the environmental effects of salvage activities on those species and what mitigation, if any, could be appropriate for any such effects; (3) consult with the U.S. Army Corps of Engineers regarding the details of the salvage activities that have occurred and what mitigation, if any, could be appropriate; (4) notify SEA of the results of these consultations; and (5) 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.

In a letter filed with the Board on April 20, 2005, NSR states that it recently provided the North Carolina Department of Cultural Resources (SHPO) with additional information regarding

¹ The notice served and published on July 16, 2004, embraced STB Docket No. AB-866X, North Carolina & Virginia Railroad Company, Inc., The Chesapeake and Albemarle Division—Discontinuance of Service Exemption—in Chowan County, NC.

the line proposed for abandonment, including maps and photos. NSR includes a copy of a letter from the SHPO that states that it concurs that the project will have no effect on historic resources.

SEA states that, based on the information submitted by NSR, it has concluded that the section 106 process of the National Historic Preservation Act has been completed. Therefore, SEA recommends that the historic preservation condition imposed in the August 20, 2004 decision be removed. Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.²

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 section 106 historic preservation condition imposed in the August 20, 2004 decision 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

² The four other environmental conditions imposed in the August 20, 2004 decision remain in effect.