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SERVICE DATE - JANUARY 17, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 234X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT  
EXEMPTION—IN MINGO COUNTY, WV

Decided: January 15, 2002

Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 2.3-mile line of railroad between milepost TR-0.0 at Thacker and milepost TR-2.3 at Colonel, in Mingo County, WV. Notice of the exemption was served and published in the Federal Register on December 19, 2001 (66 FR 65529). The exemption is scheduled to become effective on January 18, 2002.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on December 21, 2001. In the EA, SEA states that the National Geodetic Survey (NGS) has identified one geodetic station marker that may be affected by the proposed abandonment. NGS requests that it be notified 90 days in advance of any activities that may disturb or destroy this marker in order to plan for its relocation. Therefore, SEA recommends that a condition be imposed requiring NSR to consult with NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic station marker in order to plan for its relocation.

SEA also states that the West Virginia Department of Culture and History states that it did not receive the historic report in a timely manner and has not completed its review of the proposed abandonment. Therefore, SEA recommends imposition of a condition requiring NSR to retain its interest in and take no steps to alter the historic integrity of all sites and structures on the line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA).

The recommended 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 conditions that NSR: (a) consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying the geodetic marker in order to plan for its relocation; and (b) retain its interest in and take no steps to alter the historic integrity of all sites and structures on the line 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