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SERVICE DATE – LATE RELEASE DECEMBER 5, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-204 (Sub-No. 2X)

CAPE FEAR RAILWAYS, INC.—ABANDONMENT EXEMPTION—IN CUMBERLAND
COUNTY, NC

Decided: December 5, 2007

Cape Fear Railways, Inc. (CF) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 4.9-mile rail line, referred to as the Skibo-Fort Bragg line, from Skibo to the southern border of the Fort Bragg line, also known as the Skibo A&R line, in Cumberland County, NC. On November 6, 2007, notice of the exemption was served and published in the Federal Register (72 FR 62729-30). The exemption is scheduled to become effective on December 6, 2007.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on November 9, 2007. In the EA, SEA recommends two conditions. First, SEA states that the National Geodetic Survey (NGS) has advised it that a number of geodetic station markers have been identified that may be affected by the proposed abandonment. Therefore, SEA recommends a condition requiring that CF contact NGS at least 90 days prior to beginning salvage activities so that NGS may plan for the possible relocation of geodetic station markers.

Second, SEA notes that the U.S. Environmental Protection Agency (EPA) has requested that CF use best management practices during any salvage operations to address soil erosion control and any hazardous materials that may be discovered. Accordingly, SEA recommends that a condition be imposed to require CF to consult with EPA to address concerns regarding any hazardous materials that might be located along the right-of-way and the use of best management practices to control for soil erosion.

Comments to the EA were due on November 23, 2007. SEA did not receive any additional comments. Accordingly, the conditions recommended by SEA in the EA will be imposed. Based on SEA's recommendations, the proposed abandonment, if implemented as conditioned, 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 rail line described above, and covered by the notice served and published in the Federal Register on November 6, 2007, is subject to the conditions that CF shall: (1) consult with the NGS and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers; and (2) consult with EPA to address its concerns regarding any hazardous materials that might be located along the right-of-way and the use of best management practices to control for soil erosion.

3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary