

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 290 (Sub-No. 352X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN
FAYETTE AND WAYNE COUNTIES, IND.

Decided: December 9, 2013

Norfolk Southern Railway Company (NSR) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon approximately 0.61 miles of rail line between milepost CB 4.80 (near East County Road 450N in Connersville, Fayette County, Ind.) and milepost CB 5.41 (near Whitaker Drive in Washington Township, Wayne County, Ind.).¹ Notice of the exemption was served and published in the Federal Register on November 8, 2013 (78 Fed. Reg. 67,215). The exemption is scheduled to become effective on December 10, 2013.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) in this proceeding on November 20, 2013, recommending that one environmental condition be imposed on any decision granting abandonment authority. OEA states that the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology (State Historic Preservation Office or SHPO) submitted comments stating that no known historic buildings, structures, districts, or objects listed in or eligible for listing in the National Register of Historic Places (National Register) are located within the project area. The SHPO also states that no known archaeological resources eligible for inclusion in the National Register would be affected by the proposed abandonment. The SHPO has requested that, should any archaeological artifacts or human remains be discovered during NSR's salvage activities, operations should cease and NSR should immediately notify the SHPO. Accordingly, OEA recommends that, in the event that any previously unidentified or incorrectly identified cultural resources, including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices are discovered, NSR shall be required to immediately cease all work and notify OEA and the SHPO pursuant to 36 C.F.R. § 800.13(b). OEA will then consult with the SHPO, NSR, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

No comments to the EA were received by the December 5, 2013 due date. Accordingly, the condition recommended by OEA in the EA will be imposed.

¹ C&NC Railroad Corporation joined in filing this notice of exemption to obtain Board authorization to discontinue service over the same rail line. C&NC R.R.—Discontinuance of Service Exemption—in Fayette and Wayne Counties, Ind., AB 1093 (Sub-No. 1X).

Based on OEA's recommendation, 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 notice served and published in the Federal Register on November 8, 2013, exempting the abandonment of the line described above is subject to the condition that, in the event that any previously unidentified or incorrectly identified cultural resources, including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices are discovered during salvage activities, NSR shall immediately cease all work and notify OEA and the SHPO pursuant to 36 C.F.R. § 800.13(b). OEA will then consult with the SHPO, NSR, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.