

38909  
DO

SERVICE DATE – APRIL 15, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 302X)

NORFOLK SOUTHERN RAILWAY COMPANY–ABANDONMENT EXEMPTION–  
IN EAST WHITELAND TOWNSHIP, CHESTER COUNTY, PA

Decided: April 14, 2008

Norfolk Southern Railway Company (NSR) filed a verified notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 0.75-mile line of railroad extending between milepost DX 10.65 and milepost DX 11.40 in East Whiteland Township, Chester County, PA. Notice of the exemption was served and published in the Federal Register on March 18, 2008 (73 FR 14566). The exemption is scheduled to become effective on April 17, 2008.

On March 28, 2008, Malvern Hill Associates, L.P. (Malvern) filed a formal expression of intent to file an OFA under 49 U.S.C. 10904 and 49 CFR 1152.27(c)(2) to purchase the 0.75-mile line proposed for abandonment. By letter dated April 2, 2008, Malvern withdrew its notice of intent to file an OFA.

The Board’s Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on March 21, 2008, requesting comments by April 7, 2008. In the EA, SEA recommended that one environmental condition be imposed on any decision granting abandonment authority.

SEA stated that the Natural Resources Conservation Service (NRCS) had evaluated the area of the proposed abandonment and had submitted comments stating that there were no Federally designated farmlands. However, NRCS had recommended that NSR consult with the: (1) Pennsylvania Department of Agriculture (PADA), and (2) the appropriate county conservation district regarding erosion and sedimentation control practices. SEA stated that PADA had already completed its review and had submitted comments stating that the proposed project was not located in an Agricultural Security Area. Therefore, SEA recommended that, prior to commencement of any salvage activities, NSR be required to consult with the appropriate county conservation district to address the concerns raised by NRCS regarding erosion and sedimentation control.

Comments in response to the EA were received from NSR in a letter dated March 25, 2008. NSR has included correspondence from the Chester County Conservation District stating that nothing further is needed from NSR with respect to salvage mitigation measures. NSR also has clarified that its salvage activities will include only the removal of rail, crossties, and other

track materials and will not include the removal of ballast. Based upon the comments received, SEA states that the environmental condition previously recommended in the EA is no longer necessary and recommends that no conditions be imposed. Accordingly, no environmental conditions will be imposed and a Finding of No Significant Impact under 49 CFR 1105.10(g) will be made pursuant to 49 CFR 1011.7(b)(9).

Abandonment of the involved rail line will have no significant effect on the quality of the human environment and conservation of energy resources or on historic resources.

It is ordered:

1. The exemption of the abandonment of the rail line described above is effective on April 17, 2008, as scheduled.
2. This decision is effective on its service date.

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

Anne K. Quinlan  
Acting Secretary