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SERVICE DATE - JANUARY 9, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 230X)

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

Decided: January 4, 2002

Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 1.5-mile line of railroad between milepost AM-0.0 at Amigo and milepost AM-1.5 at Devils Fork, in Raleigh County, WV. Notice of the exemption was served and published in the Federal Register on December 11, 2001 (66 FR 64070-71). The exemption is scheduled to become effective on January 10, 2002.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on December 14, 2001. In the EA, SEA states that the West Virginia Division of Environmental Protection (WVDEP) has indicated that regulations pertaining to the minimization of fugitive dust from fugitive emissions sources could be applicable at this site. Therefore, SEA recommends that, prior to commencement of any salvage activities on this project, NSR consult with WVDEP concerning possible impacts from fugitive dust.

SEA also states that the National Geodetic Survey (NGS) has identified three geodetic station markers 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 these markers in order to plan for their relocation. Therefore, SEA recommends that a condition be imposed requiring NSR to consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic station markers in order to plan for their relocation.

SEA further states that the West Virginia Division of Culture and History (WVSHPO) has not yet completed its assessment of the potential impact of this project on historic resources. WVSHPO indicates that a bridge at milepost AM-0.10 is still in service and not a candidate for removal. WVSHPO also states that the switch that splits the Devils Fork Branch and the Stone Coal Branch is located on the bridge, and the Stone Coal Branch is an active railroad line. 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 that are 50 years old or older 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 WVDEP prior to commencement of any salvage activities on this project concerning possible impacts from fugitive dust; (b) consult with NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic station markers in order to plan for their relocation; and (c) retain its interest in and take no steps to alter the historic integrity of all sites and structures on the line that are 50 years old or older 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