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SERVICE DATE - JANUARY 18, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 228X)

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

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 0.95-mile line of railroad between milepost MN-0.0 at McCarr, in Mingo County, WV, and milepost MN-0.95 at Nampa, in Pike County, KY.<sup>1</sup> Notice of the exemption was served and published in the Federal Register on December 20, 2001 (66 FR 65777). The exemption is scheduled to become effective on January 19, 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 indicated that the West Virginia Division of Culture and History has requested additional information and states that it cannot review the project without the relevant facts. Therefore, SEA recommends the 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).

SEA also states that the National Geodetic Survey (NGS) has identified one geodetic station marker that may be affected by the abandonment. If there are any planned activities that will disturb or destroy this marker, NGS requests not less than 90 days' notice in advance of such activities in order to plan for its 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 the geodetic station marker in order to plan for its relocation.

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.

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<sup>1</sup> The notice of exemption served December 20, 2001, incorrectly identified milepost MN-0.95 as being located in Pike County, WV. The correct location of milepost MN-0.95 is Pike County, KY.

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, prior to salvage operations, NSR shall: (a) 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; and (b) consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying the geodetic station marker.
3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary