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SERVICE DATE - JULY 31, 2002

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: July 26, 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).

By decision served January 9, 2002, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to three conditions: (1) that NSR 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; (2) that NSR consult with the West Virginia Division of Environmental Protection prior to commencement of any salvage activities on the project concerning possible impacts from fugitive dust; and (3) that NSR consult with the National Geodetic Survey (NGS) and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic station markers in order to plan for their relocation.

The West Virginia Division of Culture and History (WVSHPO) has informed SEA that the proposed abandonment will not affect historic properties. This communication indicates that the condition requiring compliance with the section 106 process has been fulfilled and SEA therefore recommends that the section 106 condition imposed in the January 9 decision be removed.¹

Accordingly, the proceeding will be reopened and the previously imposed historic condition will be removed.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ The two other imposed conditions remain.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 condition imposed in the decision served January 9, 2002, is removed.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary