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SERVICE DATE - MAY 12, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 244X)

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

Decided: May 11, 2004

Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon an 8.74-mile line of railroad between milepost WP-2.20 at Toler and milepost WP-10.94 at Peg, in Pike County, KY. Notice of the exemption was served and published in the Federal Register on January 27, 2004 (69 FR 3994).

By decision served February 25, 2004 (February 2004 decision), the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to the condition that NSR retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f. On April 12, 2004, NSR submitted a letter indicating that the Kentucky Heritage Council has determined that the proposed abandonment will not have an adverse effect on historic properties. Therefore, SEA recommends that the historic preservation condition imposed in the February 2004 decision be removed. Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.¹

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

¹ The February 2004 decision also imposed conditions that require NSR to: (1) provide the National Geodetic Survey with at least 90 days' notice prior to initiation of any salvage operations that may disturb or destroy any geodetic stations markers so that plans can be made for their relocation; and (2) consult with the Kentucky Department of Natural Resources prior to beginning any salvage activities to evaluate potential impacts to threatened or endangered species that are known to exist in the area of the proposed abandonment. Those conditions remain in effect.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 historic preservation condition imposed in the February 2004 decision 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