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SERVICE DATE – DECEMBER 19, 2024

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 290 (Sub-No. 417X)

NORFOLK SOUTHERN RAILWAY COMPANY—
ABANDONMENT EXEMPTION—IN MINGO COUNTY, W. VA.

Decided: December 18, 2024

Norfolk Southern Railway Company (NSR) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon an approximately 3.5-mile rail line extending from milepost AL 0.0 +/- at or near Sprigg, W. Va., to milepost AL 3.5 +/- at or near Vimy, W. Va., in the vicinity of Matewan, Mingo County, W. Va. (the Line). Notice of the exemption was served and published in the Federal Register on November 20, 2024 (89 Fed. Reg. 91,868). The exemption is scheduled to become effective on December 20, 2024.

The Board's Office of Environmental Analysis (OEA) served a Draft Environmental Assessment (Draft EA) on November 25, 2024, recommending that one condition be imposed on any decision granting abandonment authority.

OEA stated that NSR submitted a combined environmental and historic report and served the report on the West Virginia State Historic Preservation Office (SHPO), pursuant to 49 C.F.R. § 1105.8(c). OEA stated that it had not heard from the State Historic Preservation Officer and therefore had not been able to consider the SHPO's opinion before determining if the rail line is potentially eligible for listing on the National Register of Historic Places (National Register). Accordingly, OEA recommended a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all historic properties, including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register until the Section 106 process of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, has been completed and the Board has removed this condition.

OEA issued its Final Environmental Assessment (Final EA) on December 16, 2024, indicating that no new comments were received and that OEA continues to recommend that the condition recommended in the Draft EA be imposed. Based on OEA's analysis and recommendation, the condition recommended in the Final EA will be imposed.

This decision, and the proposed abandonment if implemented as conditioned, 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. The notice served and published in the Federal Register on November 20, 2024, exempting the abandonment of the Line described above is subject to the condition that NSR shall retain its interest in and take no steps to alter the historic integrity of all historic properties, including sites, buildings, structures, and objects within the Area of Potential Effect that are eligible for listing or listed in the National Register until the Section 106 process of the NHPA has been completed. NSR shall report back to OEA regarding any consultations with the SHPO and the public. NSR may not file its consummation notice until the Section 106 process has been completed and the Board has removed this condition.¹
3. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

¹ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with the condition in ordering paragraph 2 is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.