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SERVICE DATE – SEPTEMBER 17, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 680X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–IN
PORTSMOUTH COUNTY, VA

Decided: September 16, 2008

CSXT Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 0.50-mile rail line on its Southern Region, Florence Division, Portsmouth Subdivision, from railroad milepost SA 0.28 to railroad milepost SA 0.78, in Portsmouth, Portsmouth County, VA. Notice of the exemption was served and published in the Federal Register on August 27, 2007 (72 FR 49042). The exemption became effective on September 26, 2007.

By decision served on September 25, 2007 (September 2007 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 conditions that CSXT: (1) consult with the Virginia Department of Environmental Quality-Coastal Zone Management Program (VDEQ) prior to beginning any salvage activities to address VDEQ’s concerns about wetlands management, non-point source pollution control, and air pollution control;¹ and (2)(a) 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 of Historic Places until the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed; (b) report back to SEA regarding any consultations with the Virginia Department of Historic Resources (SHPO) and the public, and (c) not file its consummation notice or initiate any salvage activities (including removal of tracks and ties) until the section 106 process has been completed and the Board has removed this condition.

On July 9, 2008, CSXT forwarded to the Board correspondence from the SHPO stating that the proposed abandonment would have no effect on historic properties. Therefore, based on the information provided, SEA recommends that the section 106 historic preservation condition imposed in the September 2007 decision be removed.

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

¹ Although this consultation condition remains in effect, it is not a barrier to consummation by CSXT of this abandonment.

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 section 106 historic preservation condition imposed in the September 2007 decision is removed.
3. This decision is effective on its service date.

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

Anne K. Quinlan
Acting Secretary