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**SERVICE DATE - APRIL 29, 1999**

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

NO. AB-559 (SUB-NO. 1X)

GAULEY RIVER RAILROAD, LLC  
--ABANDONMENT AND DISCONTINUANCE OF SERVICE--  
IN WEBSTER AND NICHOLAS COUNTIES, WEST VIRGINIA

AND

No. AB-55 (SUB-NO. 572X)

CSX TRANSPORTATION, INC.  
DISCONTINUANCE IN WEBSTER AND NICHOLAS  
COUNTIES, WEST VIRGINIA

**BACKGROUND**

In the Docket No. AB-559 (Sub-No. 1X) proceeding, the Gauley River Railroad, LLC (GRIV) has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with (1) the discontinuance of service over, and abandonment of its railroad line located between milepost BUC-119, near Cowen, and milepost BUC-119, at Allingdale (hereafter, "Line A"), a distance of approximately 10.0 miles; (2) the discontinuance of service over a line of railroad between milepost BUE-0.0 at Allingdale, and milepost BUE-12.4 at Muddlety Falls, a distance of approximately 12.4 miles ( hereafter, "Line B"); and (3) the discontinuance of service over and abandonment of approximately 8.3 miles of railroad between milepost BUE-12.4 at Muddlety Falls, and milepost BUE-20.7 at Muddlety, including the "McMillon Creek Branch" and the "Delmont Branch" (hereafter, "Line C"), all in Webster and Nicholas Counties, WV. Collectively, Lines A, B, and C will be referred to as "the Line", which is approximately 30.7 miles in total length. A map depicting the Line in relationship to the area served is appended to the report. If the exemption becomes effective, the GRIV will be able to salvage track, ties and other railroad appurtenances on Lines A and C.

GRIV purchased Lines A and C from CSX Transportation, Inc. (CSXT) in mid- 1998. Simultaneously, GRIV subleased Line B from CSXT, enabling GRIV to operate Lines A, B and C as a single,

continuous line of railroad. CSXT holds a leasehold interest in Line B, and retains the common carrier rights and obligations over Line B. Line B is owned by the Strouds Creek and Muddlety Railroad Company. CSXT, in the Docket No. AB-55 (Sub-No. 572X) proceeding, has also filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with discontinuance of its service over Line B.

This environmental assessment primarily applies to Lines A and C, which GRIV owns and would abandon and salvage if the authority sought is granted. With respect to Line B, no environmental impact is expected because no physical change to the right-of-way will take place.

#### **DESCRIPTION OF THE LINE**

The Line extends through sparsely populated rural areas. No traffic has moved over the Line since 1994, and GRIV has embargoed all service over the Line due to unsafe track conditions. A portion of the Line extends through Monongahela National Forest. There are two industries on the Line, each of which trucks their products to other locations on CSXT.

#### **ENVIRONMENTAL REVIEW**

The railroad has submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have verified the record in this proceeding. Responses to the GRIV's request for comments thus far have indicated the need for two environmental mitigation conditions, set forth below.

#### **CONDITIONS**

The West Virginia Department of Culture and History (SHPO) has not completed a review of the proposed abandonment. The West Virginia Division of Environmental Protection has indicated that certain permits may be required before salvage operations commence. We therefore recommend that the following conditions be placed on any decision granting abandonment authority:

1. GRIV shall 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 old or older until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

2. Prior to commencing salvage operations, GRIV shall consult

with the West Virginia Division of Environmental Protection-Office of Water Resources to determine if permits are necessary.

### **CONCLUSIONS**

Based on the information provided from all sources to date, and subject to the recommended conditions, we conclude that, as currently proposed, abandonment of the GRIV line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed GRIV abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

### **PUBLIC USE**

GRIV states that if abandonment and salvage of the rail line take place, the right-of-way would not be suitable for other public use because of its distance from major population centers, rugged terrain, and potentially low demand for such use. If, however, there is a request for other public use, the request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

### **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

### **PUBLIC ASSISTANCE**

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Room 848, Washington, DC 20423.

### **COMMENTS**

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A.

Williams, Office of the Secretary, Suite 700, Washington, DC 20423, to the attention of Harold McNulty, who prepared this environmental assessment. **Please refer to Docket Nos. AB-559 (Sub No. 1X) and AB-55 (Sub No. 572X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Mr. McNulty at (202) 565-1539.

Date made available to the public: April 27, 1999.

**Comment due date: May 27, 1999.**

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

(Map to be Scanned)