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**SERVICE DATE - SEPTEMBER 2, 2003**

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**STB Docket No. AB-290 (Sub-No. 223X)**

**Norfolk Southern Railway Company – Abandonment Exemption – in Mingo County, WV**

## **BACKGROUND**

In this proceeding, the Norfolk Southern Railway Company (NS) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Mingo County, West Virginia. The portion of the rail line proposed for abandonment extends 1.59 miles from milepost TE-1.50 at Licks Fork Spur to milepost TE-3.09 at Elda. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

## **DESCRIPTION OF THE LINE**

According to NS, there has been no traffic on the line for at least two years. NS states that the land use along the line is 25 percent commercial, 70 percent undeveloped wooded and 5 percent residential.

NS states that the line crosses Grapevine Creek, Lick Fork Stream, and Conley Fork Stream, and passes through 100-year floodplains associated with those waterways. According to NS, the proposed abandonment would not significantly alter the geometry of the roadbed. The right-of-way is generally 10 feet on each side of the main track centerline.

## **ENVIRONMENTAL REVIEW**

The railroad 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 served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The National Geodetic Survey (NGS) has submitted comments stating that two geodetic station markers have been identified that may be affected by the proposed abandonment, and

requests that NGS receive at least 90 days notification in advance of any activities that will disturb or destroy the markers.

The West Virginia Department of Environmental Protection, Division of Air Quality has submitted comments recommending that salvage activities for the proposed abandonment comply with certain state air quality rules – Rule 45 CSR 17 regarding fugitive dust emissions, and Rule 45 CSR 15 regarding asbestos removal.

The West Virginia Division of Natural Resources has submitted comments recommending that in order to protect water quality appropriate sediment and erosion control measures be undertaken during the salvage activities to remove the rail and ties.

### **HISTORIC REVIEW**

The railroad submitted a historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. The railroad served the report on the West Virginia Division of Culture and History (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that it requires additional information to determine whether the proposed abandonment would affect historic architectural or archeological resources.

### **CONDITIONS**

We recommend that the following environmental conditions be placed on any decision granting abandonment authority:

1. **The Norfolk Southern Railway Company shall consult with the National Geodetic Survey (NGS) and provide NGS with 90 days notice prior to disturbing or destroying any geodetic station markers.**
2. Based on the comments of the West Virginia Department of Environmental Protection (DEP), we recommend that **prior to beginning salvage activities, Norfolk Southern Railway Company shall consult with DEP regarding the requirements of the West Virginia state regulations for fugitive dust emissions (45 CSR 17) and asbestos removal (45 CSR 15).**
3. Based on the comments of the West Virginia Division of Natural Resources (DNR), we recommend that **Norfolk Southern Railway Company shall implement appropriate sediment and erosion control measures during salvage activities to remove the rail and ties.**
4. Based on the comments of the Virginia Division of Division of Culture and History, we recommend that **Norfolk Southern Railway Company retain its interest in and take no steps to alter the historic integrity of the line and all**

**sites and structures on the line until the completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.**

**CONCLUSIONS**

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

Alternatives to the proposed 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**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A 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 responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

**COMMENTS**

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Rini Ghosh, who prepared this environmental assessment. **Please refer to Docket No. AB-290 (Sub-No. 223X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Rini Ghosh,

the environmental contact for this case by phone at (202) 565-1539, fax at (202) 565-9000, or e-mail at [ghoshr@stb.dot.gov](mailto:ghoshr@stb.dot.gov).

Date made available to the public: **September 2, 2003**

**Comment due date: September 16, 2003.**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

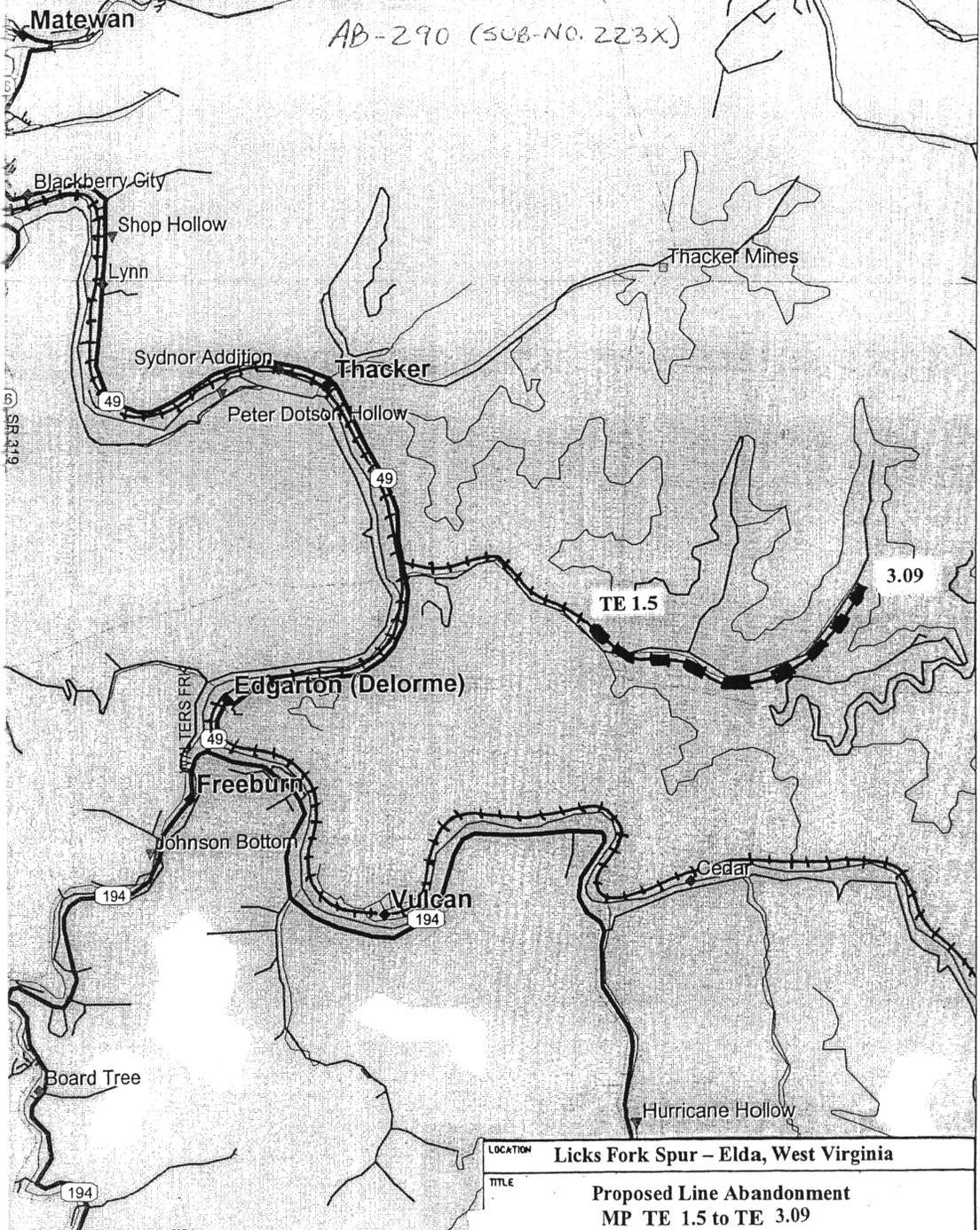
Vernon A. Williams  
Secretary

Attachment



EXHIBIT 1

AB-290 (SUB-NO. 223X)



LOCATION	Licks Fork Spur - Elda, West Virginia
TITLE	Proposed Line Abandonment MP TE 1.5 to TE 3.09

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