

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 661X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN RALEIGH COUNTY, WV

Decided: October 21, 2005

CSX Transportation, Inc. (CSXT), filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 15.12-mile line of railroad on its Southern Region, Huntington Division East, Jarrolds Valley Subdivision, between Jarrolds Valley Junction, milepost CLP 0.0, and Clear Creek, milepost CLP 15.12, at the end of the track in Raleigh County, WV. Notice of the exemption was served and published in the Federal Register on September 22, 2005 (70 FR 55660-61). The exemption is scheduled to become effective on October 22, 2005.

The Board’s Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on September 27, 2005. In the EA, SEA states that, although the line traverses rivers and streams, the railroad does not intend to conduct any salvage activities within streambeds or wetlands. As a result, SEA does not anticipate any impacts to wetlands and water resources under the jurisdiction of the U.S. Army Corps of Engineers (Corps). However, SEA notes that the Corps has not commented on the proposed abandonment. Accordingly, SEA recommends that, prior to initiating any salvage activities, CSXT consult with the Corps regarding potential permitting requirements under section 404 of the Clean Water Act, 33 U.S.C. 1342.

SEA also notes that the West Virginia State Historical Preservation Office (SHPO) has completed its review of the proposed abandonment, and that the SHPO has concluded that the abandonment would have no effect on resources listed in or eligible for inclusion in the National Register of Historic Places, provided the railroad does not salvage the tracks, ties, or bridges along the line. Therefore, SEA recommends that CSXT, should it decide to salvage the line, reinitiate the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA), and 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 eligible for listing or listed in the National Register of Historic Places until completion of the section 106 process, and consult with the SHPO, SEA, and Federally recognized tribes regarding any adverse effects to historic properties.

Comments to the EA were due by October 12, 2005. No comments were received by the due date. Accordingly, the conditions recommended by SEA in the EA will be imposed.

As conditioned, this action 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 exemption for abandonment of the line described above is subject to the conditions that, prior to any salvage of the line, CSXT shall: (1) consult with the Corps to determine whether any need exists for a permit under section 404 of the Clean Water Act, 33 U.S.C. 1342; and (2) reinstate the section 106 process of the NHPA, and 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 eligible for listing or listed in the National Register of Historic Places until completion of the section 106 process, and consult with the SHPO, SEA, and interested Federally recognized tribes regarding any adverse effects to historic properties.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary