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SERVICE DATE - DECEMBER 26, 2000

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

NO. AB-277 (SUB-NO. 1X)

**West Virginia Northern Railroad Company - Abandonment Exemption -
In Preston County, WV**

BACKGROUND

In this proceeding, the West Virginia Northern Railroad Company (WVNR) has 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 its railroad line located between Milepost 0.0 in Tunnelton 26444 and Milepost 10.13 near Kingwood 26537, a distance of 10.13 miles in Preston County, West Virginia. 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.

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 investigated the record in this proceeding. Also, we have contacted appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included West Virginia Department of Natural Resources, West Virginia Department of Culture and History, National Park Service, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Department of Agriculture, West Virginia Coastal Zone Management, West Virginia State Rail Authority and West Virginia Community Development Office.

Although, the Army Corps of Engineers (CORPS) has not responded to the railroad's request for comments regarding the potential impacts of the proposed project on wetlands and water

bodies in the area of impact; the U.S. Department of the Interior's review of the National Wetlands Inventory 7½-minute topographic maps indicate no wetlands occur on the site. If it is determined after further consultation with the CORPS that impacts to wetlands or other water sources may occur within the project area, we will impose a condition requiring WVNR to take appropriate actions to prevent adverse impact to affected water sources.

CONDITIONS

The West Virginia State Historic Preservation Officer (SHPO) has not yet completed their review of the proposed abandonment and discontinuance. Therefore, we recommend that a condition be placed on any decision granting abandonment authority, requiring the WVNR to retain its interest in the line until 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 and subject to the recommended condition, we conclude that, as currently proposed, 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

If abandonment and salvage of the rail line does take place, 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 exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. 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.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Room 711, Washington, DC 20423, to the attention of Phillis Johnson-Ball, who prepared this environmental assessment. **Please refer to Docket No. AB-277 (Sub-No.1X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Phillis Johnson-Ball at (202) 565-1530.

Date made available to the public: 12/26/00.

Comment due date: January 10, 2001.

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

Vernon A. Williams
Secretary

ATTACHMENT

MAP NEEDS TO BE SCANNED.