

32686  
DO

SERVICE DATE - APRIL 9, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 603X)

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

Decided: April 5, 2002

CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon approximately 10.5 miles of railroad between milepost BUG-0.0 at Cowen and milepost BUG -10.5 at Bolair, in Webster County, WV. Notice of the exemption was served and published in the Federal Register on February 11, 2002 (67 FR 6320-21).

By decision served March 12, 2002, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to the condition that CSXT retain its interest in the line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.<sup>1</sup> On March 8, 2002, CSXT filed a letter requesting that the historic preservation condition be removed. In support of its request, CSXT attached a letter which included indication by the West Virginia Division of Culture and History that the rail line from Cowen to Bolair, including Bridge No. 1, is not eligible to be listed in the National Register of Historic Places. Therefore, SEA recommends that the historic preservation condition imposed in the March 12, 2002 decision be removed. Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.<sup>2</sup>

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

---

<sup>1</sup> The March 12, 2002 decision noted that there is one CSXT-owned structure, Bridge No.1, on the proposed abandonment that is 50 years old or older.

<sup>2</sup> The March 12 decision imposed two other conditions that required CSXT to: (1) notify the National Geodetic Survey 90 days prior to salvage activities in order to plan relocation of the geodetic station markers identified; and (2) consult with the U.S. Forest Service, Monongahela National Forest, Gauley District Office, prior to salvage activities to address concerns about access to the portion of the rail line within the National Forest and the removal of salvaged material from National Forest lands. Those conditions remain.

It is ordered:

1. Upon reconsideration, the section 106 historic preservation condition imposed in the decision served March 12, 2002, is removed.
2. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary