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SEA

SERVICE DATE – SEPTEMBER 13, 2005

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-55 (Sub-No. 656X)**

**CSX Transportation, Inc. - Abandonment Exemption - in Marion County, WV**

**BACKGROUND**

In this proceeding, CSX Transportation, Inc. (CSX or railroad) 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 Marion County, West Virginia (WV). The line extends approximately 17.51 miles from Milepost BS 306.32 near Barrackville and Milepost 319.48 near Mannington. The notice also includes the 4.35-mile Dents Run Spur between Milepost BSB 0.00 and Milepost 4.35 (collectively, the subject line). A map depicting the subject line in relationship to the area served is appended to this report. If the notice becomes effective, CSX intends to remove the rails, cross-ties and possibly the upper layer of ballast.

**DESCRIPTION OF THE LINE**

The subject line closely parallels Buffalo Creek in central Marion County. The line traverses forested areas, several strip mines and mine dumps, many small communities, rivers, and streams. The right-of-way (ROW) varies from 30 to 90 feet wide. According to CSX, there are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the ROW. CSX has stated that no rail traffic has moved on the line for at least two years, and that any overhead traffic on the line can be rerouted over other lines.

The ROW was originally acquired by the Baltimore and Ohio Railroad Company (B&O) between 1850 and 1858 for the purposes of constructing a rail line. Based on the railroad's historic report, it is not clear when the rail line was actually constructed. In 1973, the Chessie System, Inc. was formed and Chessie System Railroads was adopted as the new corporate identity for the B&O, Chesapeake and Ohio Railway Company (C&O), and Western Maryland Railway. In 1980, Seaboard Coast Line Industries, Inc. and the Chessie System, Inc. merged to become CSX Corporation. Seven years later in 1987, the B&O was merged into the C&O, and later that same year the C&O was merged into CSX Transportation, Inc.

There are nine structures on the subject line that are 50 years of age or older. All nine structures are bridges that were built from 1904 to 1912. They are all steel/concrete or steel “I” beam structures.

## **ENVIRONMENTAL REVIEW**

CSX submitted environmental and historic reports that indicate that the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. CSX served these reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

The U.S. Department of Agriculture, Natural Resources Conservation Service (formerly the Soil Conservation Service), District Conservationist in White Hall, WV stated that the proposed abandonment would not impact Prime, Unique, Statewide, or Locally Important Farmland.

As stated above, no traffic has moved on the subject line within the last two years. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

The Marion County Commission expressed an interest in acquiring the ROW. The City of Mannington stated that the proposed abandonment is not inconsistent with its comprehensive plan; however, the city is investigating investor interest in developing an excursion train on the subject rail line. Therefore, the city requested that salvaging activities be delayed pending the outcome of these investigations.

The U.S. Fish and Wildlife Service (USFWS), West Virginia Field Office in Elkins, WV stated that no Federally listed endangered and threatened species are expected to be impacted by the proposed abandonment.

The U.S. Army Corps of Engineers (USACE) had not commented on the railroad's environmental report at the time this Environmental Assessment (EA) was prepared. However, impacts to wetlands and water resources under the jurisdiction of the USACE are not anticipated because the railroad does not intend to conduct any salvaging activities within streambeds or wetlands, or perform activities that could cause sedimentation. Nevertheless, because the subject line traverses rivers and streams, SEA recommends that CSX consult with the USACE prior to initiating salvaging activities to identify potential permitting requirements under Section 404 of the Clean Water Act (33 U.S.C. 1342).

The National Geodetic Survey identified eleven (11) geodetic station markers that may be affected by the proposed abandonment. Therefore, SEA recommends a condition to address this concern.

The West Virginia Department of Environmental Protection concurred with the railroad's assessment that permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) would not be required for the proposed salvaging activities.

The West Virginia State Historic Preservation Office (SHPO) completed its review of the railroad's historic report and concluded that the proposed abandonment would have no effect on resources listed in or eligible for inclusion in the National Register of Historic Places.

### **CONDITIONS**

SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority.

1. The subject line traverses rivers and streams. Therefore, SEA recommends that CSX consult with the USACE prior to initiating salvaging activities to identify potential permitting requirements under Section 404 of the Clean Water Act (33 U.S.C. 1342).
2. The National Geodetic Survey (NGS) has identified eleven (11) geodetic station markers that may be affected by the proposed abandonment. Therefore, the railroad shall notify NGS 90 days prior to conducting salvage activities in order to plan for the possible relocation of the markers by NGS.

### **CONCLUSIONS**

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the line would 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 (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, Washington, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of David Navecky, who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to STB Docket No. AB-55 (Sub-No. 656X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact David Navecky, the environmental contact for this case, by phone at 202-565-1593, fax at 202-565-9000, or e-mail at [naveckyd@stb.dot.gov](mailto:naveckyd@stb.dot.gov).

Date made available to the public: September 13, 2005.

**Comment due date: September 27, 2005.**

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

Vernon A. Williams  
Secretary

Attachment