

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

## **ENVIRONMENTAL ASSESSMENT**

**STB Docket No. AB-55 (Sub-No. 648X)**

**CSX Transportation, Inc.–Abandonment Exemption–  
in Muhlenberg and Ohio Counties, KY**

### **BACKGROUND**

In the above entitled proceeding, CSX Transportation, Inc. (CSXT) 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 a 4.6-mile rail line of the Southern Region, Nashville Division, Henderson Subdivision, between Moorman, milepost OHE 118.8, and Wilson Station, milepost OHE 114.2, in Muhlenberg and Ohio Counties, Kentucky. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption 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**

The right-of-way fluctuates between 40 and 100 feet in width from the centerline of track. The rail line traverses several small communities and is located in a mountainous, forested area that contains several strip mines. CSXT states that the line was formerly used to ship coal; and that there has been no originating or terminating traffic in over seven years, and no future traffic is anticipated.

### **ENVIRONMENTAL REVIEW**

CSXT 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. CSXT served the environmental and historical reports 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)]. Also consultations have been made with 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: the Kentucky State Clearinghouse; Department for Environmental Protection Division of Water; Mr. Timothy Sturgill, Railtrail Development Office; Mr. Carey Tichenor, Trails Coordinator, Kentucky Department of Parks; Office of Intermodal Programs; Honorable Rodney Kirtley, Muhlenberg County Judge Executive; Honorable Wayne Hunsaker, Ohio County Judge Executive; Military Traffic Management Command; Public Service Commission; U.S.D.A. Natural Resources Conservation Service (Ohio and Muhlenberg Counties); U. S. Department of Agriculture; United States Environmental

Protection Agency - Region 4; U.S. Fish and Wildlife Service; U.S. Army Corps of Engineers - Louisville District; Mr. Tom Ross, Chief of Natural Recreation and Trails, U.S. Department of the Interior - National Park Service, Recreation Resources Assistance Division; U.S. Department of Interior National Park Service, Land Resources Division; The National Geodetic Survey; and Kentucky Heritage Council & State Historical Preservation Officer.

The National Geodetic Survey (NGS) has submitted comments stating that three geodetic station markers have been identified that may be affected by the proposed abandonment. NGS states that if there are any planned activities which will disturb or destroy these markers, NGS requires not less than 90 days notification in advance of such activities in order to plan for their relocation.

The Natural Resources Conservation Service (NRCS) office covering the county of Muhlenberg, states that prime farmland exists in the area of the proposed abandonment. CSXT states that it has not received a response from the NRCS office in Hartford, Ohio County.

The Department of the Army, U.S. Army Engineering District, Louisville Corps of Engineers (USACE - Louisville District) states that part of the proposed abandonment may include crossing of the Green River. All bridge projects over navigable waters fall under the jurisdiction of the U.S. Coast Guard (USCG) and Section 9 of the Rivers and Harbors Act of 1899. USACE recommends that if any work is proposed on this actual bridge crossing, CSXT should coordinate with the USCG, Bridge Branch District #2, St. Louis, MO, 314-593-3900 (ext 378) to determine if any permitting or notification would be required. We will recommend a condition based on USACE's recommendations.

## **HISTORIC REVIEW**

CSXT submitted a historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. CSXT served the report on Mr. David L. Morgan Director - Kentucky Heritage Council & State Historic Preservation Officer (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has not yet completed its review of the proposed abandonment.

According to CSXT, there is one CSXT-owned structure that is 50 years old or older that may be eligible for listing in the National Register that is part of the proposed action.

## **CONDITIONS**

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

1. CSXT shall consult with the NGS and provide NGS with 90 days notice prior to disturbing or destroying any geodetic station markers.
2. CSXT shall consult with the appropriate office of NRCS for the counties of

Muhlenberg and Ohio prior to salvage activities.

3. CSXT shall consult with the U.S. Coast Guard prior to salvage activities.

4. CSXT shall 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 50 years old or older until completion of the section 106 process of the National Historic Preservation Act 470(f).

## **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 this case, 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 exemption in the Federal Register. Nevertheless, 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, 1925 K St., N.W., Office of Public Services, Washington, DC 20423.

## **ENVIRONMENTAL COMMENTS**

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, 1925 K. St., N.W., Washington, DC 20423, to the attention of Ann Newman, 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. 648X) in all correspondence, including e-filings addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Ann Newman at (202) 565-1657, fax at (202) 565-9002, or e-mail at Ann.Newman@STB.dot.gov.

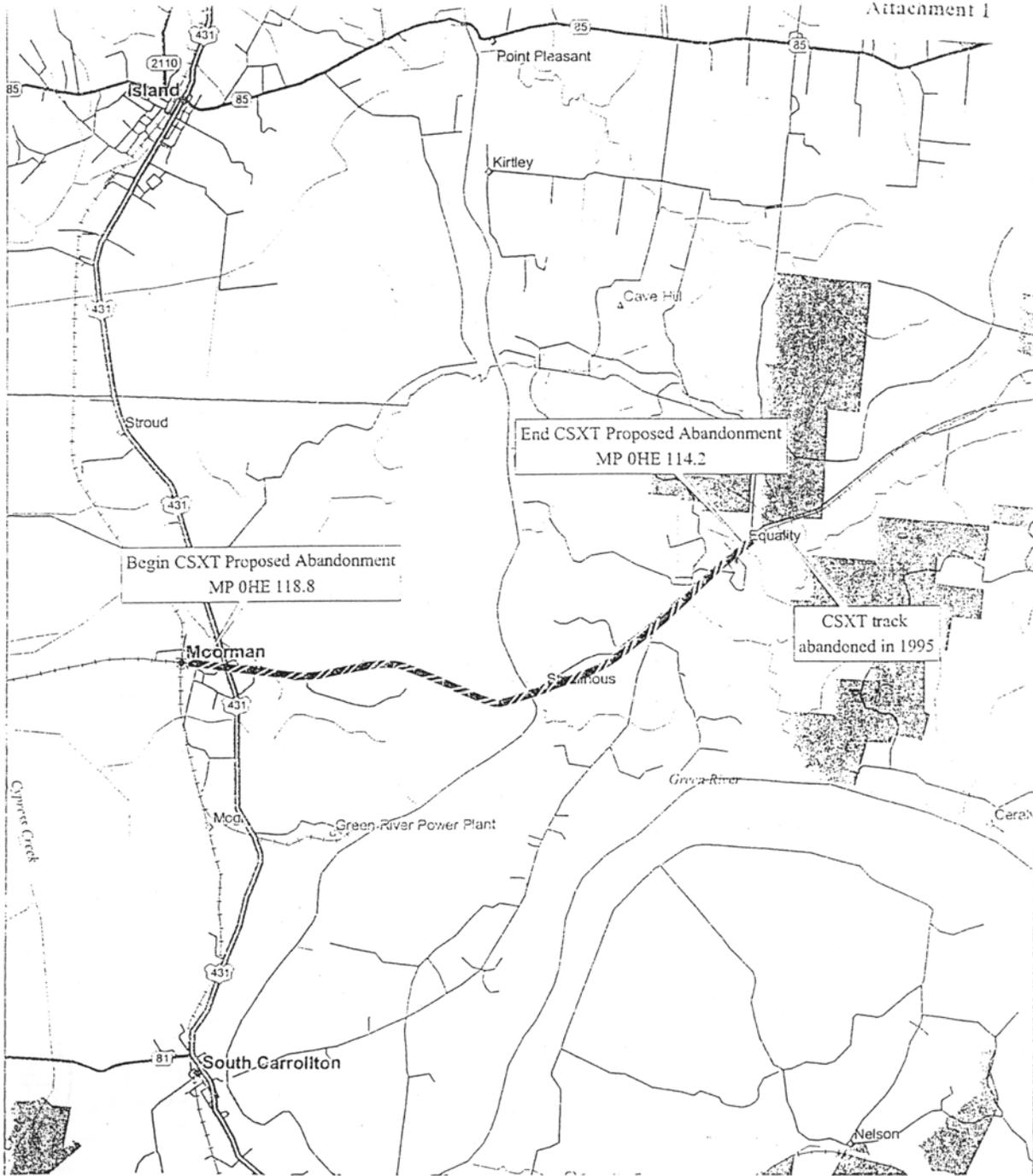
Date made available to the public: June 4, 2004.

**Comment due date: June 21, 2004.**

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

Vernon A. Williams  
Secretary

Attachment



### CSX Transportation, Inc

Moorman to Wilson Station, Muhlenberg and Ohio Counties, Kentucky



4.6 Miles of line proposed to be abandoned

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