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OEA

SERVICE DATE – SEPTEMBER 10, 2010

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 55 (Sub-No. 704X)**

**CSX Transportation, Inc. – Abandonment Exemption –  
in Clay County, Ky.**

**BACKGROUND**

In this proceeding, CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Clay County, Kentucky. The rail line proposed for abandonment, known as the Horse Creek Branch, extends 2.95 miles from milepost 208.71 at Horse Creek Junction, to milepost 211.66 near Paw Paw Road in Manchester (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). 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**

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 Report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].<sup>1</sup> The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

***Diversion of Traffic***

According to CSXT, no local traffic has moved over the Line for at least 2 years (since 2002) and all overhead traffic was rerouted years ago. Prior to 2002, the primary commodity shipped on the Line was coal. 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.

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<sup>1</sup> The Environmental and Historic Reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB 55 (Sub-No. 704X).

*Salvage Activities*

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

CSXT states that it only intends to conduct salvage operations on the Line between milepost 210.65 at Crawfish Branch Road to the end of the track at milepost 211.66 near Paw Paw Road. Following abandonment, the section of line (approximately 1.94 miles) between milepost 208.71 and milepost 210.65 would be reclassified as Industry Lead Track and sold or leased to Revelation Energy Coal Company to resume rail service on the Line.

CSXT advises that any salvage activities conducted along the Line would include the removal of rail, crossties and possibly the upper layer of ballast. CSXT does not intend to disturb the sub-grade or any sub-grade structures. CSXT plans to conduct salvage activities by using the existing right-of-way for access, along with existing public and private road crossings, and no new access roads are contemplated. Salvage activities would not cause sedimentation or erosion of the soil, and CSXT does not anticipate any dredging or use of fill when removing the track material. CSXT states that no debris would be discarded along the right-of-way and any work along the right-of-way would be subject to appropriate measures to prevent or control spills from fuels, lubricants or any other pollutant materials.

The Line is located in a rural area of undulating terrain that traverses Goose Creek and several small streams. There are four bridges along the Line including a 382.4-foot timber bridge (milepost 208.8) built in 1952 spanning Goose Creek, a 33-foot timber bridge (milepost 210.7) built in 1935 that crosses an unnamed stream, a 104.3-foot timber bridge over Horse Creek built in 1941 and a 48-foot timber bridge (milepost 211.6) over Paw Paw Branch Creek.

The Army Corps of Engineers (Corps), Louisville District, provided comments to CSXT indicating the proposed abandonment could affect waters of the United States under its jurisdiction and requested additional information from the applicant regarding the proposed action to be certain of any potential effects. No comments have yet been received from the Nashville District of the Corps, which shares jurisdiction of the area with the Louisville District. Accordingly, we are recommending a condition that CSXT consult with both the Louisville and Nashville District offices of the Corps to ensure that any potential impacts of the proposed action to water bodies of the United States are addressed.

The Natural Resources Conservation Service informed CSXT that the proposed abandonment would not affect prime farm lands.

The National Geodetic Survey (NGS) has commented that 4 geodetic station markers may be affected by the proposed abandonment. We therefore recommend a condition for CSXT to notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this EA to the following for review and comment: Louisville and Nashville District offices of the Corps; U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, Kentucky Department of Natural Resources, and the City of Manchester.

## **HISTORIC REVIEW**

CSXT sent the Historic Report to the Kentucky State Historic Preservation Office (SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO has submitted comments stating that the proposed abandonment would not affect any known archaeological sites or historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) located within the project right-of-way (Area of Potential Effect). Based on the SHPO comments and all available information provided to date, we have made a finding of "no historic properties affected."

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the National Historic Preservation Act we have determined that the proposed abandonment will not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's Historic Report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

OEA conducted a search of the Native American Consultation Database to identify any federally recognized tribes that may have ancestral connections to the project area.<sup>2</sup> The database indicated that the following federally recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the

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<sup>2</sup> Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited September 2, 2010).

proposed abandonment: Delaware Nation of Oklahoma, Eastern Band of Cherokee Nations of North Carolina, the Miami Tribe of Oklahoma, and the Peoria Tribe of Indians of Oklahoma. Accordingly, OEA is sending a copy of this EA to these tribes for review and comment.

### **CONDITIONS**

We recommend that the following conditions be imposed on any decision granting abandonment authority:

1. CSXT Transportation, Inc. shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers.
2. Prior to commencement of any salvage activities, the railroad shall consult with the Nashville and Louisville District Offices of the United States Army Corps of Engineers regarding possible impacts to water bodies and wetlands.

### **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes 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 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 4-part showing for imposition of a public use condition (49 C.F.R. § 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, 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 C.F.R. § 1152.29).

**PUBLIC ASSISTANCE**

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

**COMMENTS**

If you wish to file comments regarding this Environmental Assessment, send an **original and 2 copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 55 (Sub-No. 704X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 245-0293, fax at (202) 245-0454, or e-mail at [gliddenc@stb.dot.gov](mailto:gliddenc@stb.dot.gov).

Date made available to the public: September 9, 2010.

**Comment due date: September 24, 2010.**

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment