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SEA

SERVICE DATE – APRIL 8, 2008

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-55 (Sub-No. 682X)

**CSX Transportation, Inc. – Abandonment Exemption –
In Greenbrier and Fayette Counties, WV**

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT) filed a notice under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 to abandon a section of railroad in its Southern Region, Huntington-East Division, Sewell Subdivision in Greenbrier and Fayette Counties, West Virginia. The line extends from Milepost CAF 27 near Rainelle to Milepost CAF 43.7 near Nallen, a distance of 16.7 miles. Two stations are located along this segment, but not within the right-of-way proposed to be abandoned. The stations are: Babcock at Milepost CAF 38 and Nallen at Milepost CAF 39, in Fayette County. The line was previously used to ship coal; however, CSXT certifies that no rail cars have used the line for at least two years and that no overhead traffic would have to be rerouted over other lines as a result of the abandonment. Following abandonment of the rail line, CSXT indicates that the properties may be suitable for other purposes, but that reversionary interests may affect title transfers for uses other than rail transportation.

According to CSXT, a portion of the rail line proposed to be abandoned was acquired by the Loop and Lookout Railroad Company in 1907, and in 1911, the Meadow River Lumber Company began operations over the line. CSXT indicates that operations over the remaining portion of the line proposed to be abandoned began in 1915, and in 1916, the entire line was transferred by lease to the Sewell Valley and Ohio Railway Company. The line was conveyed by deed in 1931 to the Nicholas, Fayette and Greenbrier Railroad Company (NF&G), a company that was jointly owned by the Chesapeake and Ohio (C&O) and New York Central. In 1973, the Chessie System Inc. was formed and identified as the new corporate identity for the C&O, the Baltimore and Ohio Railroad Company (B&O) and the Western Maryland Railroad. In 1980, the Chessie System, Inc. merged with the Seaboard Coast Line Industries to become CSX Corporation, which became CSXT in 1987.

CSXT indicates that the rail right-of-way proposed to be abandoned is generally 60 feet wide and traverses Zip Codes 25962, 25981 and 26680. The rail line closely follows the Meadow River along steep forested slopes and passes through a number of small communities within the rural landscape. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

ENVIRONMENTAL REVIEW

CSXT submitted an environmental report that concludes 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. 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 CFR 1105.7(b)].¹ The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

CSXT states that no local traffic has moved over the line for at least two years and no overhead traffic would be rerouted. 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.

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 indicates that upon receiving abandonment authority, it does not plan to disturb any of the underlying roadbed or perform any activities that would cause soil erosion or sedimentation into neighboring streams. CSXT further states that it does not anticipate a need to dredge or use fill in the salvage process; that crossties and other debris generated during the salvage process would be transported away from the area, and not left onsite. If the petition is granted, CSXT would be able to salvage the track, ties and other railroad appurtenances, and dispose of the right-of-way.

SEA 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.

The Fayette County Zoning Office commented that the proposed abandonment is consistent with long-range planning for the area, which recommends expanding recreational

¹ The railroad's environmental and historic reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB-55 (Sub-No. 682X).

opportunities. If abandonment authority is granted, Fayette County has expressed interest in converting the right-of-way to an open-space recreational corridor.

The Natural Resources Conservation Service (NRCS) commented that the proposed abandonment would not have an adverse impact on prime farmland soils. Therefore, SEA has concluded that no further consultation with NRCS under the Farmland Protection Policy Act is necessary.

The U.S. Fish and Wildlife Service (USFWS) commented that the proposed abandonment is not expected to impact any Federally listed endangered and threatened species. Therefore, SEA has determined that no further consultation with USFWS under Section 7 of the Endangered Species Act will be necessary.

SEA has not yet received responses from several Federal, state and local agencies regarding potential environmental impacts from the proposed abandonment. Therefore, SEA is sending a copy of this EA to the following agencies for review and comment: the U.S. Environmental Protection Agency; the National Park Service; the National Geodetic Survey; the Greenbrier County Planning Department; the West Virginia Department of Environmental Protection; the Governor's Office of Community and Industrial Development; the Public Service Commission of West Virginia; and the West Virginia Railroad Maintenance Authority.

HISTORIC REVIEW

CSXT served the historic report on the West Virginia Division of Culture and History (State Historic Preservation Office or SHPO) pursuant to 49 CFR 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). This would include eight CSXT-owned timber trestle bridges that have been altered due to ongoing maintenance and repair for safety and operational requirements. We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the National Historic Preservation Act at 36 CFR 800.5(c) and 36 CFR 800.8, we have determined that the proposed abandonment will not adversely affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 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.

Pursuant to 36 CFR 800.2, SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area. The database indicated that there were no Federally

recognized tribes with interests in the area. Therefore, SEA has determined that no further consultation is necessary.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes 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.

CONDITIONS

Based on all information available to date, we recommend that no conditions be imposed on any decision granting abandonment authority.

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, 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) 245-0230, 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 Diana Wood, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-55 (Sub-No. 682X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at woodd@stb.dot.gov.

Date made available to the public: April 8, 2008.

Comment due date: April 23, 2008.

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

Anne K. Quinlan
Acting Secretary

Attachment