

34376

**SERVICE DATE - JANUARY 30, 2004**

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-290 (Sub. No. 244X)  
Norfolk Southern Railway Company – Abandonment Exemption –  
in Pike County, KY**

**BACKGROUND**

In this proceeding, Norfolk Southern Railway Company (NSR) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for NSR to abandon 8.74 miles of rail line located between Milepost WP-2.20 at Toler and Milepost WP-10.94 at Peg, in Pike County, Kentucky. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, NSR will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

According to NSR, the line proposed for abandonment was constructed in 1912 by the Williamson and Pond Creek Railroad Company, a predecessor of NSR's predecessor, Norfolk and Western Railway Company. The Williamson and Pond Creek railroad lines were constructed to serve several coal mines in the area. NSR states that there is now no demand for or prospect of rail service over the line, and that no traffic has originated, terminated, or moved overhead on this line segment for at least two years. Consequently, no rail traffic will be diverted to highway mode as a result of the abandonment.

According to NSR, the line passes through residential (50%), industrial (20%), undeveloped (20%), and forest (10%) areas. The right-of-way width is 30 feet on each side of the main track centerline. NSR has received no inquiries about public use of the right-of-way underlying the line segment to be abandoned and is unaware of any potential public purposes to which the right-of-way may be suited. NSR will sell to the Commonwealth of Kentucky the necessary right-of-way it requires for a highway improvement project. Where NSR does not own the right-of-way, the owner, local zoning, and development ordinances will control future land use. NSR is not aware of any restriction on the title to the property which would affect the transfer of title or the use of property for other than rail purposes.

NSR states that it does not intend to appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned. The areal extent of disturbed areas will be kept to a minimum and limited to the right-of-way wherever possible. There are no plans to undertake in-

stream work, or dredge and/or fill any materials in connection with the proposed abandonment. NSR records indicate that there are five bridge structures on the line varying in length from 42 feet to 560 feet, all of which were built in 1912. The rail line crosses Pond Creek and three unnamed streams and passes through the 100-year flood plains associated with these streams. Since the geometry of the roadbed will not be significantly altered, no discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment.

## **ENVIRONMENTAL REVIEW**

NSR 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. NSR served the environmental report 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)]. We have reviewed and investigated the record in this proceeding.

The National Geodetic Survey has advised us that eight geodetic station markers have been identified that may be affected by the proposed abandonment.

NSR indicates that the Kentucky Department of Natural Resources lists 17 threatened or endangered species that are known to exist in Pike County. NSR is not aware of any critical habitat that would be destroyed or modified as a result of the proposed abandonment. Since salvage operations will be handled generally within the right-of-way, NSR does not believe that any endangered species that might be present would be adversely affected. We will recommend a consultation condition requiring that NSR contact the Kentucky Department of Natural Resources prior to commencement of any salvage activities on this project to evaluate potential impacts to these species.

## **HISTORIC REVIEW**

NSR submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. NSR served the report on the Kentucky Heritage Council (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has not yet completed its assessment of the potential impact of this project on historic resources, and we, therefore, recommend a condition to address this concern.

## **CONDITIONS**

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

1. The National Geodetic Survey (NGS) has identified eight geodetic station markers that may be affected by the proposed abandonment. Therefore, NSR shall notify NGS 90 days prior to salvage activities in order to plan for their relocation.
2. NSR shall, prior to any salvage activities, consult with the Kentucky Department of Natural Resources to evaluate potential impacts to threatened or endangered species that are known to exist in the area of the proposed abandonment.
3. NSR 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, 16 U.S.C. 470f.

## **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 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 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, 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, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett, who prepared this environmental assessment. **Please refer to Docket No. AB-290 (Sub No. 244X) in all correspondence addressed to the Board.** If you have any questions regarding this environmental assessment, you should contact Kenneth Blodgett, the environmental contact for this case by phone at (202) 565-1554, fax at (202) 565-9000, or e-mail at [blodgettk@stb.dot.gov](mailto:blodgettk@stb.dot.gov).

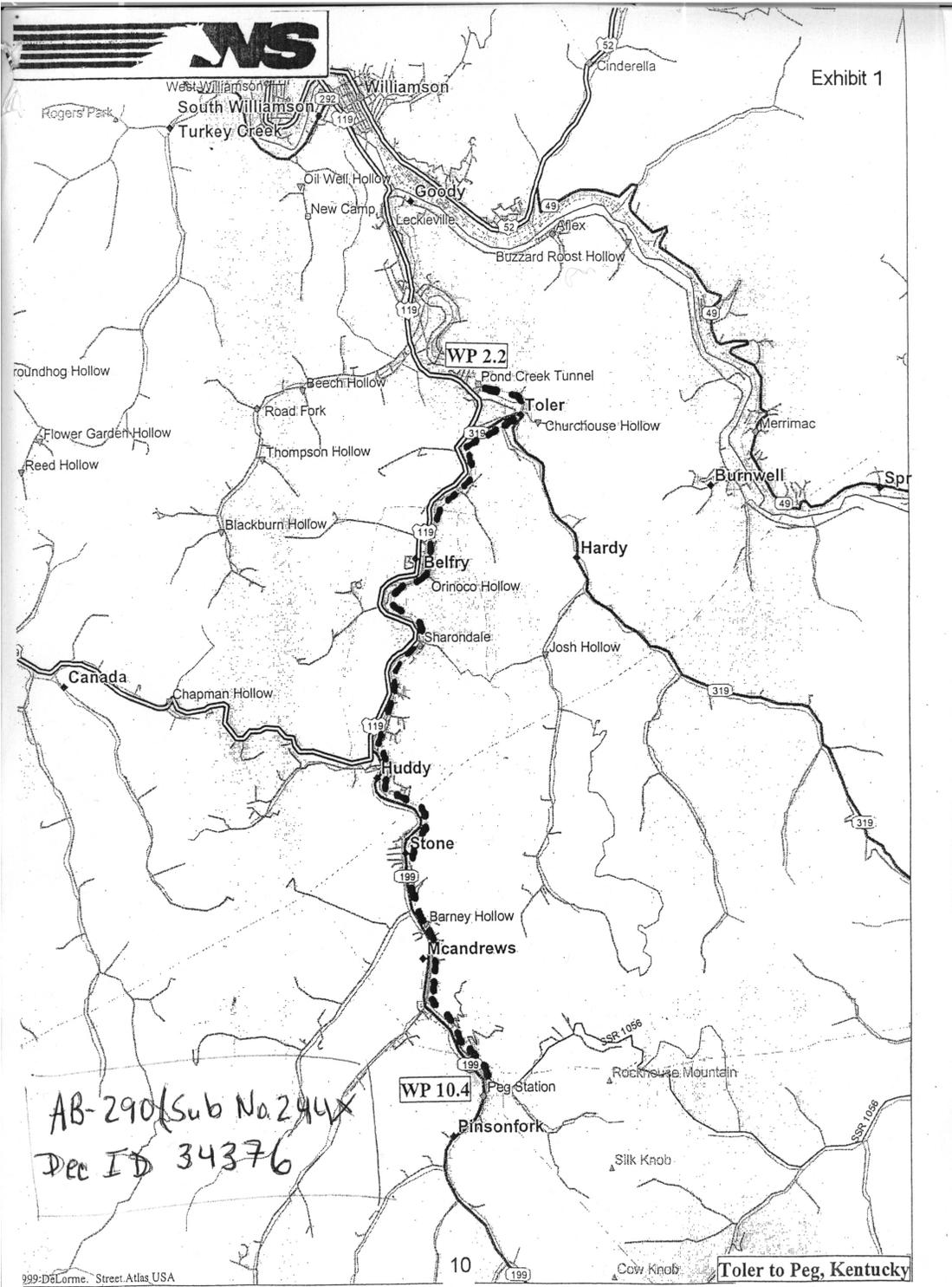
Date made available to the public: January 30, 2004.

Comment due date: **February 17, 2004 (15 days).**

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

Vernon A. Williams  
Secretary

Attachment



AB-290 Sub No 294X  
Dec ID 34376

Dec. ID. 34376