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SERVICE DATE – AUGUST 2, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 683X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–IN
GREENBRIER COUNTY, WV

Decided: August 1, 2007

CSX Transportation, Inc. (CSXT) filed a verified notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 13.6-mile line of railroad extending from milepost CAH 7.2 at Rupert Junction to the end of the track at milepost CAH 20.8 at Clearco in Greenbrier County, WV. Notice of the exemption was served and published in the Federal Register on June 26, 2007 (72 FR 35083). The notice provided that the exemption would become effective on July 26, 2007, unless stayed by the Board or unless a formal expression of intent to file an offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27(c) was filed by July 6, 2007.

On July 6, 2007, Seaside Holdings, Inc. (Seaside), timely filed a formal expression of intent to file an OFA to purchase the 13.6-mile line. As a result of the filing, the effective date of the exemption was automatically stayed until August 5, 2007.

In a letter dated July 17, 2007, Seaside advised that it has determined not to file an OFA to purchase the line proposed for abandonment.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on June 29, 2007. In the EA, SEA states that, in 2001, when CSXT previously filed to abandon this line of railroad,¹ the National Geodetic Survey (NGS) had identified five geodetic station markers that might be affected by the abandonment of this line, and requested notification at least 90 days in advance of any activities that would disturb or destroy these markers to plan for their relocation. SEA points out that the NGS has not submitted any comments to the current filing, but based on NGS's prior comments, SEA recommends that CSXT be required to consult with and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers to provide time to plan for the possible relocation of the station markers by NGS.

No comments to the EA were submitted by the July 16, 2007 due date. Accordingly, the recommended environmental condition recommend by SEA in the EA will be imposed.

¹ See CSX Transportation, Inc.–Abandonment Exemption–in Greenbrier County, WV, STB Docket No. AB-55 (Sub-No. 598X) (STB served Oct. 12, 2001, and May 11, 2007).

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the condition that CSXT consult with and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers to provide time to plan for the possible relocation of the station markers by NGS.
3. The effective date of the exemption is August 5, 2007.
4. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary