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SERVICE DATE – JULY 27, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 661X)

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

Decided: July 26, 2007

CSX Transportation, Inc. (CSXT), filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 15.12-mile line of railroad on its Southern Region, Huntington Division East, Jarrolds Valley Subdivision, between Jarrolds Valley Junction, milepost CLP 0.0, and Clear Creek, milepost CLP 15.12, at the end of the track in Raleigh County, WV. Notice of the exemption was served and published in the Federal Register on September 22, 2005 (70 FR 55660-61). The exemption became effective on October 22, 2005.

By decision served on October 21, 2005 (October 2005 decision), the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to the conditions that, prior to any salvage of the line, CSXT shall: (1) consult with the U.S. Army Corps of Engineers (Corps) to determine whether any need exists for a permit under section 404 of the Clean Water Act, 33 U.S.C. 1342 (Condition 1); and (2) reinstate the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, and 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 eligible for listing or are listed in the National Register of Historic Places until completion of the section 106 process, and consult with the West Virginia State Historical Preservation Office (SHPO), SEA and interested Federally recognized tribes regarding any adverse effects to historic properties.

On June 7, 2007, CSXT submitted to SEA copies of materials requested by and sent to the SHPO. In a letter dated June 22, 2007, the SHPO informed CSXT that the proposed abandonment would have no adverse effect to the CSXT rail line between Jarrolds Valley Junction and the end of the track near Clear Creek in Raleigh County. Therefore, SEA recommends that the section 106 historic preservation condition be removed.

Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.

This action 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 historic preservation condition imposed in the October 2005 decision is removed. Condition 1, imposed in the October 2005 decision, remains in effect.
3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary