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SEA

SERVICE DATE - AUGUST 4, 2004

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-55 (Sub-No 653X)

CSX Transportation, Inc.–Abandonment Exemption–in Pike County, KY

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT), filed a petition of exemption under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 to abandon a portion of its Southern Region, Huntington Division, Big Sandy Subdivision. The 1.43-mile rail line, also known as the Beaver Creek Spur, extends between Milepost CMH 0.00 near Dunleary and the end of the track at Milepost CMH 1.43, 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, CSXT will be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to CSXT, the property was acquired by the Chesapeake & Ohio Railway Company between 1944 and 1951, and the line was built to serve several coal mines, none of which are active today. The line is located in eastern Kentucky and traverses the Russell Fork River and the Town of Baeyer Bottom, then follows the meandering of Beaver Creek. The width of the right-of-way varies between 30 and 100 feet from the centerline of track, and abandonment of the line would allow for the elimination of one road crossing. In addition, three stations are on the line and are located at Praise Dock, Little Beaver, and Little Beaver Dock.

According to CSXT, there is no traffic on the line. In addition, the line is stub-ended and cannot be used for overhead traffic. During 2002 and 2003, the only shipper on the line was ELC Inc. (AEP Coal or AEP). AEP shipped 2,934 carloads of coal over the line in 2002 and shipped 3,791 carloads of coal over the line in 2003. However, AEP stopped shipping over the line in October 2003,¹ and has closed its coal facility. There were no shipments in 2004, and CSXT does not expect any business to develop on the line.

¹ Although CSXT indicated in its Historic Report that there has been no traffic on the line since December 2003, a representative for CSXT confirmed that there has been no traffic on the line since October 2003, as stated in the petition.

Upon abandonment, CSXT intends to sell the right-of-way to the Kentucky Transportation Cabinet (KTC) for use in the highway expansion project for State Route 80.

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. The applicant served the environmental and historical reports 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)]. SEA has reviewed and investigated the record in this proceeding.

CSXT intends to remove rail, crossties, and the upper layer of ballast but does not intend to disturb any of the underlying roadbed. According to CSXT, the removal of material would be accomplished by use of the right-of-way, along with existing private and public crossings, and no new access roads are contemplated. Crossties and other debris would be transported away from the line and would not be discarded along the right-of-way, in streams or wetlands, or on the banks of waterways. Additionally, CSXT states that it would take appropriate measures during track removal to prevent or control spills of fuel, lubricants, or any other pollutant materials from entering any waterways.

The U.S. Army Corps of Engineers (USACE), Huntington District, determined that the proposed abandonment would not involve the placement of fill or dredged material in waters of the U.S. Therefore, an USACE permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) would not be required.

CSXT states that the line is not within any wildlife sanctuaries or refuges, National or state parks, or forests. In addition, CSXT states that there are no known hazardous waste sites or hazardous material spill sites on the subject right-of-way.

According to CSXT, the only customer on the line, AEP, ceased operations in October 2003 and closed its coal facility. Accordingly, the proposed abandonment would not result in any diversion of rail traffic to motor carrier transportation.

The KTC submitted comments in support of the proposed abandonment. The KTC stated that it is in the process of expanding Kentucky Highway 80, and CSXT has agreed to sell the right-of-way to KTC for use in this highway expansion project.²

² CSXT has requested expedited handling of its petition.

HISTORIC REVIEW

CSXT submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Kentucky Heritage Council and State Historic Preservation Officer (the State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c). In the report, CSXT indicates that there is one bridge on the line that is 50 years old or older. The bridge is a 502-foot Deck Plate Girder and was constructed in 1945. The SHPO has submitted comments stating that the proposed abandonment would have no adverse effect on historic properties. 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(e), consists of the applicant's/railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

CONDITIONS

SEA recommends that no environmental conditions be placed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, SEA 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 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 (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, 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 Christa Dean, 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.653X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact Christa Dean, the environmental contact for this case, by phone at (202) 565-1606, fax at (202) 565-9000, or e-mail at deanc@stb.dot.gov.

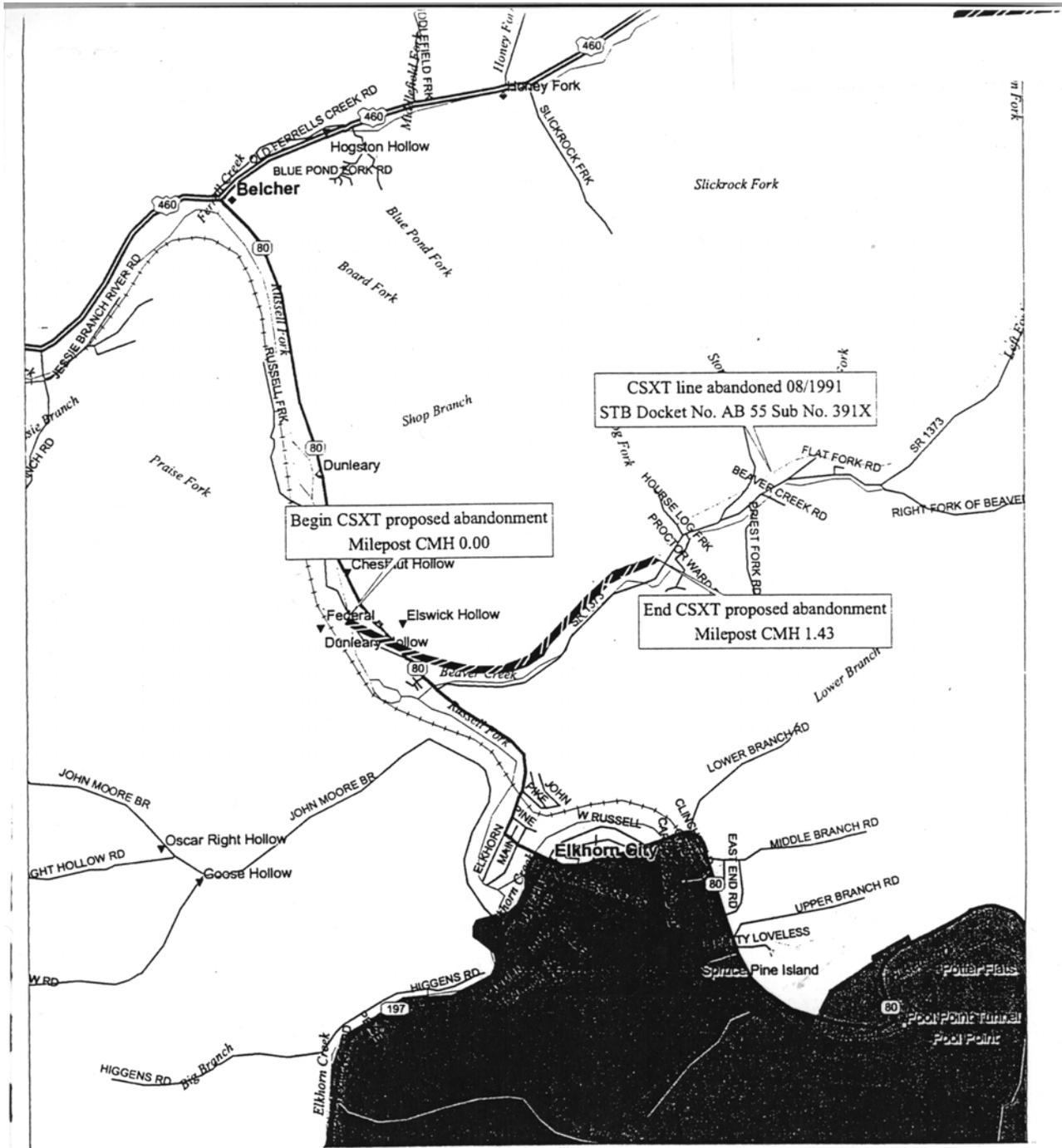
Date made available to the public: August 4, 2004.

Comment due date: August 24, 2004.

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

Vernon A. Williams
Secretary

Attachment



CSX Transportation, Inc

Dunleary Jct to End of Track, Pike County, Kentucky

 1.43 miles of line proposed to be abandoned

AB-55 (Sub No. 653X)