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SERVICE DATE - FEBRUARY 14, 2003

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-55 (Sub-No. 627X)

CSX Transportation, Inc. - Abandonment Exemption - in Floyd County, KY

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of its line of railroad lying between Milepost CON 3.1 at Salisbury and Milepost CON 16.5 at the end of track near Clear Creek Junction, a distance of approximately 13.4 miles, in Floyd County, Kentucky. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, the railroad 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 CSXT, the property for this rail line was acquired between 1912 and 1923 by the Long Fork Railway Company, a subsidiary of the Baltimore and Ohio Railroad Company. The property was conveyed in 1933 by deed to the Chesapeake and Ohio Railway Company, which was merged into CSXT on September 2, 1987.

This line was formerly used to ship coal. There has been no originating or terminating traffic in over ten years and no future traffic is anticipated. Abandonment of the line will result in the removal of the rail, crossties, and possibly the upper layer of ballast. Operations and maintenance of this line will cease.

The right-of-way widths along this line vary between 35 and 75 feet from the center-line of track. The rail line traverses many small communities, rivers and streams. It is located in a mountainous, forested area that contains several strip mines and mine dumps. There are 3 CSXT-owned structures that are 50 years old or older that may be eligible for listing in the National Register that are part of the proposed action.

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. CSXT served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board's) environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

According to CSXT, removal of material will be accomplished by use of the right-of-way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and does not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way nor be placed or left in streams or wetlands, or along the banks of such waterways. Appropriate measures will be implemented during track removal to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways.

The Department of the Army, Corps of Engineers, Huntington District has determined that the abandonment, as proposed, does not appear to involve the placement of fill or dredged material in waters of the U.S. and therefore, no authorization is required from the Corps of Engineers for this activity.

The U.S. Department of the Interior, Fish and Wildlife Service in Frankfort, Kentucky has advised us that no significant adverse impacts to wetlands or federally listed endangered or threatened species are anticipated from the proposed abandonment.

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

The Floyd County Floodplain Office has advised us that the proposed abandonment is within the 100 year flood plain, therefore requiring a permit from the State Division of Water under KRS 151, as well as a permit from their office in regards to ordinance 44.CFR 60.3. Accordingly, we will recommend a consultation condition requiring that CSXT contact the Floyd County Floodplain Office prior to commencement of any salvage activities on this project.

There are three CSXT-owned bridge structures that are 50 years old or older that are part of the proposed abandonment. Bridge No. 77 is an "T" beam span and was constructed in 1916 at milepost CON 7.7 near Drift. It is constructed of concrete and steel and is approximately 40 feet in length. Bridge No. 101 is a Through-Plate-Girder and was constructed in 1937 at milepost CON 10.1 near McDowell. It is constructed of concrete and steel and is approximately 83 feet in length. Bridge No. 121 is an "T" beam span and was constructed in 1916 at milepost CON 12.1 near Orkney. It is constructed of concrete and steel and is approximately 34 feet in length. The Kentucky Heritage Council and State Historical Preservation Office (KY SHPO) has not yet completed the assessment of

the potential impact of this project on historic resources, and we, therefore, recommend a condition to address this concern.

CONDITIONS

We recommend the following three environmental conditions, addressing the environmental concerns discussed above, be placed on any decision granting abandonment authority.

1. The National Geodetic Survey (NGS) has identified five geodetic station markers that may be affected by the proposed abandonment. Therefore, CSXT shall notify NGS 90 days prior to salvage activities in order to plan their relocation.
2. To address the concerns raised by the Floyd County Floodplain Office, CSXT shall, prior to commencement of any salvage activities on this project, contact the Floyd County Floodplain Office concerning possible impacts of abandonment in the 100 year flood plain and appropriate permit coverage.
3. CSXT 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, 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

If abandonment and salvage of the rail line does take place, 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 Surface Transportation 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 Surface Transportation Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. 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 the 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-55 (Sub No. 627X) 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.

Date made available to the public: February 14, 2003.

Comment due date: **March 3, 2003 (15 days).**

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

Vernon A. Williams
Secretary

Attachment



CSX Transportation, Inc AB 55 (Sub-No. 625)

Salisbury to Clear Creek Junction, Floyd County, Kentucky 33357

 13.4 Miles of line proposed to be abandoned