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OEA

SERVICE DATE – JANUARY 15, 2016

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 55 (Sub-No. 746X)

**CSX Transportation, Inc. – Abandonment Exemption –
in Grant County, WV**

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT) filed a Petition for Exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Grant County, West Virginia. The rail line proposed for abandonment extends 0.66 miles on the Mt. Storm Railroad Track from milepost BUA 15.72 to milepost BUA 16.38 (the Line). The Line is owned by the Virginia Electric and Power Company (VEPCO) and leased by CSXT. VEPCO and CSXT have agreed to amend the lease to exclude the Line so that VEPCO may construct and operate a new coal yard and rapid coal dumper. CSXT is seeking to abandon the Line for three reasons: first, to terminate its lease on the Line; second, to terminate CSXT's common carrier operation over the Line; and third, to allow VEPCO to use the Line without a common carrier obligation. A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). According to CSXT, if the Board approves this petition, CSXT would reclassify the Line as yard track for VEPCO's use; CSXT would not salvage the Line.

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 Report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 55 (Sub-No. 746X).

Diversion of Traffic

According to CSXT, VEPCO is the only shipper served on the Line and would continue to be served by CSXT if the proposed abandonment is approved and the Line is converted to industry track. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

CSXT states that, if the Board should approve this abandonment, CSXT would not salvage the Line. Rather, the Line would be transferred to VEPCO for continued use as industry track. CSXT's filing includes a statement from VEPCO supporting the proposed abandonment, which VEPCO explains would support expansion of VEPCO's operation. Because no salvage is proposed, were this abandonment approved, there would be:

- no removal of tracks, ties, or ballast;
- no dismantling of bridges or other structures, regrading activities, or disposal of materials;
- no access roads created or habitats disturbed;
- no conversion of farmland;
- no work performed in or over waters of the United States;
- no sedimentation or erosion of soils, nor dredging or use of fill;
- no debris discarded along the right-of-way;
- no temporary air emissions or noise impacts typically associated with salvage operations; and
- no salvage-related heavy machinery use requiring additional prevention or control of hazardous spills beyond current operations.

According to CSXT, the Line is located in the Allegheny Mountains in northeastern West Virginia, approximately 11 miles northeast of Davis. The area surrounding the Line is mountainous and forested, supporting several mines. CSXT states that the Line is the tail end segment of the Mt. Storm Railroad Track, followed only by Mt. Storm Power Plant industry track. The Line does not cross and is not immediately adjacent to any waterway. The Line is not located within a coastal zone and West Virginia is not part of the Coastal Zone Management Program.

Several agencies submitted comments stating that the proposed abandonment would not adversely affect resources under their jurisdiction. The U.S. Fish and Wildlife Service (USFWS) submitted comments stating that the proposed abandonment would not affect federal trust resources under its jurisdiction and currently protected by the Endangered Species Act. The National Geodetic Survey submitted comment that no geodetic survey marks are located near the project area. The Natural Resources Conservation Service submitted comment advising CSXT and OEA of the conversion rating system. This land evaluation and site assessment system is used to establish a farmland conversion impact rating score for proposed projects. After

reviewing the requirements and forms referenced, OEA has determined that, as no salvage or land disturbance is contemplated in this proposed abandonment, no farmland would be adversely impacted if it were approved, and no further evaluation is necessary.

Based on all information available to date, and because no salvage activities would occur as a result of the approval of this abandonment, OEA does not believe that any abandonment activities would cause significant environmental impacts.

HISTORIC REVIEW

CSX served the Historic Report on the West Virginia State Historic Preservation Officer (SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO has submitted comments stating that the proposed abandonment is a segment of a line considered eligible for listing as part of the National Register of Historic Places; however, it is the SHPO's opinion that the proposed continued use for rail transportation would not adversely affect this resource. OEA has reviewed the report and the information provided by the SHPO.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that no known historic properties listed in or eligible for inclusion in the National Register would be adversely affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's Historic Report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at www.stb.dot.gov.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.² The database did not indicate that any federally-recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment.

CONDITIONS

We do not recommend that environmental or historic conditions be imposed on any decision granting abandonment authority.

² Native American Consultation Database, <http://grantsdev.cr.nps.gov/Nagpra/NACD> (last visited December 9, 2012).

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes 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

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 C.F.R. § 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 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 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, 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 Adam Assenza, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 55 (Sub-No. 746X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Adam Assenza, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at adam.assenza@stb.dot.gov.

Date made available to the public: January 15, 2016.

Comment due date: February 1, 2016.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment