

**28327**

**SERVICE DATE - OCTOBER 14, 1997**

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**NO. AB-227 (SUB-NO.11X)**

**WHEELING & LAKE ERIE RAILWAY COMPANY  
- ABANDONMENT EXEMPTION-  
IN HARRISON AND JEFFERSON COUNTIES, OHIO**

**BACKGROUND**

In this proceeding, the Wheeling & Lake Erie Railway Company 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 railroad line located between Milepost 0.0 in Adena to milepost 0.5 at AC&NA Junction and from milepost 0.0 at AC&NA Junction to milepost 10.9 at the former Georgetown Coal Preparation Plant, a total distance of approximately 11.4 miles in Harrison and Jefferson Counties, Ohio. 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.

**ENVIRONMENTAL REVIEW**

The railroad has 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 railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated the record in this proceeding. Also, we have contacted appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included the Brooke-Hancock-Jefferson Metropolitan Planning Commission, the Jefferson County Regional Planning Commission, the Ohio EPA Southeast District Office, the North Ohio Valley Air Authority, the Army Corps of Engineers, Pittsburgh District, and the Ohio Historic Preservation Office.

## **CONDITIONS**

An evaluation of the potential impact of this project on historic resources has not been completed. Accordingly, a condition is recommended requiring that the Wheeling & Lake Erie Railway Company 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, and subject to the recommended condition, 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 not be suitable for other public use. The portion of the Georgetown Branch which is jointly-owned by the Ohio Rail Development Commission (ORDC) (between milepost 8.5 and milepost 10.9) will remain a line of railroad under the auspices of ORDC and its operator after the abandonment proposed herein, and thus will not be available for alternative public use. The right-of-way underlying the remainder of the Georgetown Branch may be suitable for use as a recreational trail, or possibly for power transmission or highway use. W&LE believes that reversionary interests may exist from milepost 6.0 to the end of the line that could affect the transfer or use of the right-of-way for other, non-rail purposes. 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 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 Surface Transportation Board, Office of Public Services, Room 848, Washington, DC 20423.

**ENVIRONMENTAL COMMENTS**

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Room 711, Washington, DC 20423-0001, to the attention of Scott Decker, who prepared this environmental assessment. **Please refer to Docket No. AB-227 (Sub-No. 11X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Scott Decker at (202) 565-1531.

Date made available to the public: **October 7, 1997.**

Comment due date: **October 22, 1997.**

By the Board, Elaine K. Kaiser, Chief, Section of Environment Analysis.

Vernon A. Williams  
Secretary