

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB 55 (Sub-No. 741X)

**CSX Transportation, Inc. –
Abandonment Exemption –
In Raleigh County, WV**

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT) filed a notice under 49 C.F.R. § 1152.52 seeking exemption from the requirements of 49 U.S.C. § 10903 for CSXT to abandon approximately 15.12 miles of rail line on the Southern Region, Huntington East Division, Big Marsh Fork Subdivision, former Jarrolds Valley Subdivision, in Raleigh County, West Virginia. The rail line is located between milepost CLP 0.0 near Whitesville and the end of the track located at milepost 15.12 near Clear Creek. The line received discontinuance of service approval from the Surface Transportation Board (Board) in July 2002 in docket number AB 55 (Sub-No. 640X) and abandonment approval in October 2005 in docket number AB 55 (Sub-No. 661X).¹ However, CSXT explains that it never consummated the transaction, and the authority to abandon expired.

According to CSXT, the line proposed for abandonment was principally used to transport coal from inactive but still viable coal reserves. CSXT states that the line has not generated any originating or terminating traffic in over twenty years, and that any efforts to rehabilitate the line would be costly. Several groups have expressed interest in preserving the rail corridor as a trail under a Notice of Interim Trail Use (NITU). CSXT notes that such an arrangement would allow the rail corridor to be preserved for trail use, and possibly for reactivation to rail service, should there be renewed interest in mining the remaining coal deposits.

¹ The 2005 abandonment was authorized subject to two environmental conditions that required CSXT to: (1) consult with the U.S. Army Corps of Engineers (Corps) prior to any salvage of the line to determine whether any need exists for a permit under section 404 of the Clean Water Act, 33 U.S.C. §1342; and (2) 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 (National Register) until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f. In a follow-up decision served on October 21, 2005, the Board removed the section 106 condition but retained the Corps consultation condition.

A majority of the rail line proposed for abandonment travels along Clear Fork Creek through many small communities and forest and mountain landscapes. The area has actively supported the mining industry. The rail line right-of-way varies from 20-feet to 120-feet in width and traverses United States Postal Zip Codes 25060, 25048, 35008, and 25193. CSXT indicates that to the best of its knowledge, the rail line does not contain any federally granted right-of-way, but may contain reversionary interests, which may affect the transfer of title for uses other than rail purposes. If the notice becomes effective, CSXT would be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

ENVIRONMENTAL REVIEW

CSXT submitted an environmental report that concludes the quality of the human environment would 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 Board's environmental rules [49 C.F.R. § 1105.7(b)].² The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

As previously stated, CSXT has indicated that no local traffic has moved over the line for at least two years and no overhead traffic would be rerouted. 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

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or if necessary, via construction of new access points to the right-of-way. If abandonment authority is granted, CSXT intends to salvage the rail, ties, track materials, and possibly the upper layer of ballast. CSXT does not intend to disturb or salvage any sub-grade or sub-grade structures, including bridges, trestles, culverts, and tunnels. If the rail line should become a trail under the National Trails System Act, the corridor would remain in place.

CSXT states that there are no known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way proposed for abandonment. OEA has not received a response from the U.S. Environmental Protection Agency (USEPA), but based on the

² 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. 741X).

information presented, believes that the proposed abandonment would have no impact on these resource areas. However, OEA has included USEPA in the service list for this proceeding so that it may review the EA and provide comments regarding this matter, if necessary.

CSXT states that the proposed abandonment would improve public safety because 25 road crossings would be eliminated. OEA has not received a response from the West Virginia Department of Transportation (WVDOT), but based on the information presented, believes that the proposed road closings would improve public safety. However, OEA has included WVDOT in the service list for this proceeding so that it may receive a copy of the EA and provide comments on this matter, if necessary.

CSXT states that the proposed abandonment is not likely to adversely affect endangered or threatened species, or areas designated as critical habitat. The U.S. Fish and Wildlife Service (USFWS) has not commented on this proceeding, but did provide a letter in the previously referenced 2005 abandonment covering the same area that stated that no federally listed endangered or threatened species were expected to be impacted by the proposed action. Based on the information presented, OEA believes that the proposed abandonment would not adversely affect these species or their habitat, but has nevertheless included USFWS in the service list for this proceeding so that it may review the EA and provide comments regarding this matter, if necessary.

CSXT states that its salvage operations would not involve the discharge of dredge or fill material into waters of the United States because it intends to conduct salvage activities in the existing right-of-way, along existing public and private crossings. No new access roads are contemplated, and CSXT does not intend to disturb any of the underlying road bed or perform any activities that would result in sedimentation or erosion of the soil. No dredging or use of fill material would occur in removing the track and ties and CSXT would transport the crossties and other debris away from the rail line and associated water resources. Finally, CSXT would use appropriate measures during salvage to prevent and control spills from fuels, lubricants and other pollutants from entering any waterways. Although the U.S. Army Corps of Engineers' (Corps) initially required a Section 404 permit under the Clean Water Act (33 U.S.C. § 1344) in the 2005 proceeding, it has since commented that such a permit is not needed because CSXT has indicated that project activities would not involve the discharge of dredged or fill material into waters of the United States. Accordingly, OEA concludes that no further consultation with the Corps is necessary in this proceeding.

CSXT states that the proposed abandonment is consistent with federal, state and local water quality standards because it does not contemplate any action known to be inconsistent with the applicable water quality standards. The West Virginia Department of Environmental Protection (WVDEP) has not commented on this proceeding, but did provide a letter in the previously referenced 2005 abandonment covering the same area that stated that permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) would not be required for the proposed abandonment. Based on the information presented, OEA believes that there would be no significant impacts on water quality standards, but has included WVDEP in the service list for this proceeding so that it may review the EA and provide comments on this matter, if necessary.

The National Geodetic Survey (NGS) commented that there are no geodetic station markers that may be affected by the proposed abandonment. Therefore, OEA has determined that no further consultation with NGS in this abandonment proceeding is necessary.

The Natural Resources Conservation Service (NRCS) has not commented on proposed abandonment and potential impacts to prime agricultural land, pursuant to the Farmland Protection Policy Act (FPPA). However, NRCS did comment in the 2005 proceeding that there would be no impact to prime or unique farmland. Based on this information, OEA believes that the proposed abandonment would not affect FPPA resources. OEA has, however, included NRCS in the service list for this proceeding so that it may review the EA and comment, if necessary.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

OEA has not yet received responses from several federal, state and local agencies regarding potential environmental impacts from the proposed abandonment. In addition to the above referenced agencies, OEA is sending a copy of this EA to the following agencies for review and comment: the National Park Service and the Raleigh County Commissioners.

HISTORIC REVIEW

CSXT submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the West Virginia Division of Culture and History (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). The report indicates that the line proposed for abandonment contains seven CSXT-owned structures on the line,³ and that there are four bridges 50 years old or older that may be eligible for listing in the National Register of Historic Places (National Register). CSXT has no plans to remove or otherwise alter the bridges, should the proposed abandonment be authorized. Although the SHPO has not commented on this proceeding, it did provide a letter, dated June 22, 2007, stating that the proposed abandonment would not adversely affect National Register historic properties located within the right-of-way (the Area of Potential Effect or APE) of the proposed abandonment. We have reviewed 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 C.F.R. § 800.5(b), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. 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

³ In the 2005 abandonment proceeding, CSXT initially claimed that there were eight bridges on the line, but later clarified that there were seven bridges.

to the SHPO and made available to the public through posting on the Board's website at <http://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.⁴ The database indicates that there is one federally recognized tribe that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way or APE of the proposed abandonment. The tribe is the Eastern Band of Cherokee Indians. OEA has included this tribe in the service list for this proceeding so that it may receive a copy of the EA for review.

CONDITIONS

We recommend that no conditions be imposed on any decision granting abandonment authority.

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 4-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).

⁴ Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited March 26, 2015) and the U.S. Housing and Urban Development's Tribal Directory Assessment Tool at <http://egis.hud.gov/tdat/Tribal.aspx> (last visited March 26, 2015).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC 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 Diana Wood, 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. 741X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at woodd@stb.dot.gov.

Date made available to the public: April 8, 2015.

Comment due date: April 23, 2015.

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

Attachment