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SERVICE DATE - JUNE 26, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-277 (Sub-No. 1X)

WEST VIRGINIA NORTHERN RAILROAD COMPANY–
ABANDONMENT EXEMPTION–IN PRESTON COUNTY, WV

Decided: June 20, 2002

West Virginia Northern Railroad Company (WVN) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon its entire line of railroad between milepost 0.0 in Tunnelton and the end of the line at milepost 10.13 near Kingwood, in Preston County, WV, a distance of 10.13 miles. Notice of the exemption was served and published in the Federal Register on December 21, 2000 (65 FR 80483-84).¹

By decision served January 18, 2001, the proceeding was reopened at the request of the Boards' Section of Environmental Analysis (SEA) and the exemption was made subject to the condition that WVN retain its interest in and take no steps to alter the historic integrity of the line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA).

SEA has forwarded to the Board a copy of a Memorandum of Agreement (MOA) executed by SEA, the West Virginia State Historic Preservation Office, and WVN, concerning the section 106 historic preservation condition imposed in this proceeding. SEA indicates that the MOA, which has been signed by all parties, concludes the process implementing the section 106 process of the NHPA. SEA therefore recommends that the section 106 condition imposed in the January 18, 2001 decision be removed.

Accordingly, the proceeding will be reopened and the previously imposed historic condition will be removed.

¹ On February 20, 2001, a decision and notice of interim trail use or abandonment (NITU) was served that reopened the proceeding to implement interim trail use/rail banking under 49 CFR 1152.29 and the National Trails System Act, 16 U.S.C. 1247(d). By letter filed on March 9, 2001, WVN notified the Board that an agreement had been reached, and that Kern Valley Railroad Company had taken possession of the right-of-way and had assumed responsibility for its maintenance.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 condition imposed in the decision served January 18, 2001, is removed.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary