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SERVICE DATE – DECEMBER 13, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 665X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–IN HARLAN AND
LETCHER COUNTIES, KY

Decided: December 12, 2006

CSX Transportation, Inc. (CSXT), filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 12.99-mile line of railroad on its Southern Region, Huntington Division West, Cumberland Valley Subdivision, in Harlan and Letcher Counties, KY. The line consists of a portion of the Poor Fork branch between milepost 0WC 261.1, near Cumberland, and milepost 0WC 262.3, at Cumberland Junction, and the entire Scotia Branch between milepost 0WD 262.21, at Cumberland Junction, and milepost 0WD 274.0, near Scotia at the end of the line. Notice of the exemption was served and published in the Federal Register on April 26, 2006 (71 FR 24772). The exemption became effective on May 26, 2006.

By decision served on May 25, 2006 (May 2006 decision), the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to six conditions. One of the conditions required CSXT, prior to commencement of any salvage activities, to consult with the National Park Service (NPS), Southeast Region, and the Kentucky Department of Parks (KDP), regarding any impacts on wildlife sanctuaries, refuges, national or state parks or forests, and to report the results of those consultations in writing to SEA. On October 6, 2006, CSXT forwarded to SEA e-mail correspondence it received from NPS indicating that there would be no impacts to national parks or national forests as a result of the proposed abandonment. CSXT also attaches e-mail correspondence it sent to KDP on September 7, 2006, and October 4, 2006, regarding potential impacts to state parklands, and indicates that it has not received a response.

SEA states that it has obtained maps of state-owned parklands, as well as federal wildlife sanctuaries and refuges in Harlan and Letcher Counties, and has determined that none of these resources would be impacted from the proposed abandonment. Therefore, SEA recommends that the condition requiring CSXT, prior to commencement of any salvage activities, to consult with NPS, Southeast Region, and KDP, regarding any impacts on wildlife sanctuaries, refuges, national or state parks or forests, and to report the results of those consultations in writing to SEA, be removed.

Based on SEA's recommendation, the proceeding will be reopened and the previously imposed NPS and KDP consultation condition will be removed.

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 condition previously imposed in the May 2006 decision requiring CSXT to consult with NPS and KDP prior to commencement of any salvage activities and to report the results of those consultations in writing to SEA 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