

43603
DO

SERVICE DATE – JANUARY 30, 2014

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: January 29, 2014

CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 C.F.R. pt. 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 Fed. Reg. 24,772). The exemption became effective on May 26, 2006.

By decision served on May 25, 2006, the Board reopened the proceeding to impose various environmental conditions, and on July 21, 2006, the Board imposed a 180-day public use condition under 49 U.S.C. § 10905 and 49 C.F.R. § 1152.28 and issued a Notice of Interim Trail Use (NITU) under the National Trails System Act (Trails Act), 16 U.S.C. § 1247(d), and 49 C.F.R. § 1152.29. Subsequently, by decision served February 20, 2008, the Board removed the last of the environmental conditions, denied a request to extend the NITU, noted that the public use condition previously had expired, and noted that CSXT could file its notice of consummation anytime until April 20, 2008. CSXT timely filed its notice consummation for the line on February 26, 2008.

On December 24, 2013, the County of Letcher (the County), a government entity, filed a “Statement of Willingness to Assume Railbed,” seeking to establish interim trail use/railbanking under the Trails Act on a portion of the line “from the Chad Yard mile marker 261.05 to and including the Scotia Spur Line.”

The County’s request will be denied. Consummation of the abandonment in 2008 ended the Board’s jurisdiction over the line. Therefore, the Board no longer has jurisdiction to impose a NITU.

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

It is ordered:

1. The County's request for issuance of a NITU is denied.
2. This decision is effective on the date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.