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SERVICE DATE - JUNE 25, 1997

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

NO. AB-290 (SUB-NO.189X)

**NORFOLK AND WESTERN RAILWAY COMPANY
- ABANDONMENT -
BETWEEN NORTHFORK AND BUZZARDS CREEK JUNCTION, WEST VIRGINIA**

BACKGROUND

In this proceeding, the **Norfolk and Western 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 line of railroad located between Milepost NF-0.0 at Northfork and Milepost NF-1.0 at Buzzards Creek Junction, all located in McDowell County, West Virginia, a distance of 1.0 miles. 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 U.S. Department of Agriculture, Natural Resources Conservation Service; U.S. Department of Commerce, National Oceanic and Atmospheric Administration, the West Virginia Division of Environmental Protection, and the West Virginia Department of Culture and History, Charleston, WV.

CONDITIONS

The West Virginia Division of Environmental Protection (DEP) requests that the railroad not dispose of ties on stream banks/streams or wetlands and further states that areas used for engine/train maintenance and refueling be identified for DEP on maps, including any accidental spills. **We recommend that a condition be imposed requiring the Norfolk and Western Railway Company to consult with the West Virginia Division of Environmental Protection (DEP), prior to conducting salvage activities.**

The National Geodetic Survey (NGS) has identified two geodetic markers along the rail line and requests 90 days notice to plan relocation of any markers which may be disturbed or destroyed. Therefore, we recommend that the following condition be imposed on any decision granting abandonment authority: **Norfolk and Western shall consult with the National Geodetic Survey and provide NGS with 90 days notice prior to disturbing or destroying any geodetic markers.**

The West Virginia Department of Culture and History has not completed its evaluation of the potential impact of this project on historic resources. Accordingly, we recommend imposition of the following condition: **The Norfolk and Western 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 until completion of the Section 106 process of the National 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 be suitable for other public use. 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-290 (Sub-No.189X) 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: June 20, 1997

Comment due date: July 3, 1997.

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

Vernon A. Williams
Secretary