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July 29, 2016

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VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20423-0001

ENTERED
Office of Proceedings
July 29, 2016
Part of
Public Record

Re: **Docket No. FD 36010**
Wheeling & Lake Erie Railway Company -- Operation
Exemption -- Valley Line in Harrison and Jefferson Counties, OH

Dear Ms. Brown:

On July 19, 2016, Wheeling & Lake Erie Railway Company ("W&LE") filed a verified notice of exemption in the above-captioned proceeding for the resumption of common carrier operations on a previously-abandoned rail line (the "Valley Line") between Unionvale and Warrenton, Ohio. Pursuant to discussions with the Office of Environmental Analysis, W&LE is filing this letter to supplement the information provided in footnote 1 on page 4 of its notice of exemption regarding a short distance of rail that has been removed from the Valley Line.

That rail removal occurred in the vicinity of mileposts 189 to 191, west of Adena, Ohio, and included both rails for a distance of approximately 8,750 track feet and a single rail (on the north side of the track) for a distance of approximately 700 track feet. Only the steel rail was removed; ties, ballast and subsurface all remain in place. Significant ground disturbance did not occur when the rail was lifted, and would not occur upon reinstallation of that rail. Other than this rail, trackage on the 18-mile Valley Line has remained in place since the prior abandonment of the line was consummated in 2003.

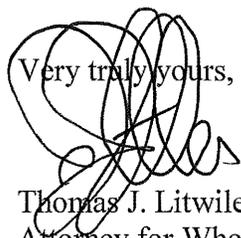
In analogous circumstances, the former Section of Environmental Analysis concluded that reactivation of an abandoned line with some missing rail was exempt from environmental reporting requirements, finding that "because the rail line is largely intact, there will be minimal construction activities." *Burlington Northern Railroad Company – Operation Exemption – In Mills and Pottawattamie Counties, IA*, Docket No. FD 32977 (STB served March 12, 1997) at 3. That is equally the case with respect to the Valley Line.

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W&LE also reconfirms that W&LE's proposed operation of the Valley Line is exempt from environmental reporting requirements under 49 C.F.R. § 1105.6.(c)(2)(i). The eastern end of the Valley Line passes through Warren Township in Jefferson County, which is a nonattainment area under 2010 sulfur dioxide (SO₂) primary National Ambient Air Quality Standards. 40 C.F.R. § 81.336. The proposed transaction does not involve the contemplated operation of three or more trains a day on the Valley Line. 49 C.F.R. § 1105.7(e)(5)(ii)(A).

Please feel free to contact me should there be any questions regarding this filing. Thank you for your attention to this matter.

Very truly yours,


Thomas J. Litwiler
Attorney for Wheeling & Lake Erie
Railway Company

TJL:tl

cc: Ms. Victoria J. Rutson, Office of Environmental Analysis