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SERVICE DATE - OCTOBER 19, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 607X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN LOGAN COUNTY, WV

Decided: October 18, 2004

CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 10.02-mile line of railroad in its Southern Region, Huntington Division, Buffalo Subdivision, extending from milepost CLU 6.3 at Franco to the end of the line at milepost CLU 16.32 near Saunders, in Logan County, WV. Notice of the exemption was served and published in the Federal Register on September 20, 2004 (69 FR 56262). The exemption is scheduled to become effective on October 20, 2004.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on September 24, 2004. In the EA, SEA states that the National Geodetic Survey (NGS) has advised that 13 geodetic station markers have been identified that may be affected by the proposed abandonment and has requested 90 days' notification in advance of any activities that may disturb or destroy these markers. Therefore, SEA recommends that CSXT be required to consult with NGS and provide NGS with 90 days' notice prior to distributing or destroying any geodetic station markers.

SEA also states that the West Virginia Division of Culture and History (SHPO) has indicated that there are several properties located along the rail line proposed for abandonment that are connected with the coal mining industry that could be eligible for listing in the National Register of Historic Places. The SHPO further states that, if CSXT leases the line for continued rail use, then there will be no adverse effect on historic sites and structures. According to SEA, at the time the environmental assessment was prepared, it was unclear what the outcome of CSXT's negotiations would be. Therefore, SEA recommends that CSXT be required to retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA).

Comments to the EA were due by October 12, 2004. No comments were received by the due date. Accordingly, the environmental conditions recommended by SEA in the EA will be imposed.

As conditioned, 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 exemption of the abandonment of the line described above is subject to the conditions that CSXT: (1) consult with NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic station markers; and (2) retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the section 106 process of the NHPA.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary