

39351
SEA

SERVICE DATE – SEPTEMBER 23, 2008

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-55 (Sub-No. 689X)

**CSX Transportation, Inc. – Abandonment Exemption – in
Logan County, WV**

BACKGROUND

In this proceeding, CSX Transportation Inc. (CSXT) 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 a line of railroad on its Southern Region, Huntington Division East, Logan Subdivision. The line, known as the Snap Creek Industrial Track, extends approximately 1.16 miles from milepost CLV 2.0 to milepost CLV 3.16 at the end of the track near Don, Logan County, WV (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Line is located in a rural mountainous area that closely parallels Rick Creek. According to CSXT, the right-of-way widths along the Line are approximately 15 feet from the center-line of the track. The Line was originally acquired by the Chesapeake and Ohio Railroad Company (C&O) in 1958 and incorporated into Chessie System Inc. in 1973. On November 1, 1980, Chessie System Inc. merged with Seaboard Coast Industries, Inc. and became CSX Corporation. In 1987, CSX Corporation merged with C&O and became CSXT.

CSXT states that the Line may be suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or recreation. However, the Line may be subject to reversionary interests that could affect any transfer of title.

According to CSXT, there are currently no shippers on the Line. CSXT states that the Line was originally used to transport coal; however, the Line has not had any originating or terminating traffic in over ten years. Consequently, abandonment of the Line would have no negative effect on current or future coal operations. The proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

ENVIRONMENTAL REVIEW

CSXT submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. CSXT served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)].¹ The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of bridges or other structures that may be present on the rail right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way. Following abandonment of the Line, CSXT states that it intends to remove rail, crossties and the upper layer of ballast, as needed.

CSXT indicates that the proposed salvage activities will have no detrimental effects on public health and safety. CSXT also states that there are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

To date, the U.S. Army Corps of Engineers has not provided notice to CSXT regarding the need for permits under Section 404 of the Clean Water Act.

No comments have been received from the U.S. Environmental Protection Agency regarding the need for permits under Section 402 of the Clean Water Act.

Neither CSXT nor SEA has received comments from the WV Department of Environmental Protection, Division of Water & Waste Management in Charleston, regarding its requirements.

No response has been received from the U.S Fish and Wildlife Service, WV Field Office, regarding the effect of the proposed abandonment on any endangered or threatened species, or critical habitat.

The Logan County Planning Department has been contacted regarding land use conflicts or concerns, but has not provided comments regarding potential land use issues.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. As noted above, no comments have been

¹ The railroad's environmental and historic reports are available for viewing on the Board's Website at <http://www.stb.dot.gov> by conducting a search for AB-55 (Sub-No. 689X) within "Filings" under "E-Library."

received from the U.S. Fish and Wildlife Service; the U.S Environmental Protection Agency; the U.S. Army Corp of Engineers; the U.S. Natural Resources Conservation Service; the WV Department of Environmental Quality; or the Logan County Planning Department regarding the proposed abandonment. Accordingly, copies of the EA will be provided to these agencies for their review and comment.

HISTORIC REVIEW

CSXT submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the WV Division of Culture and History (SHPO), pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments to CSXT indicating that the proposed abandonment would have no effect on properties listed in or eligible for inclusion in the National Register of Historic Places (National Register). SEA concurs with this recommendation and has determined that there are no National Register listed or eligible properties that would be affected by the proposed undertaking pursuant to Section 106 of the National Historic Preservation Act.

SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally recognized Tribes that may have ancestral connections to the project area. The database listed no Tribes.

CONDITION

SEA recommends that no conditions be imposed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes 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

Following abandonment and salvage of the rail line, 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 the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. 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) 245-0230, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this EA, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, who prepared this EA. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-55 (Sub-No. 689X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 245-0293, fax at (202) 245-0454, or e-mail at gliddenc@stb.dot.gov.

Date made available to the public: September 23, 2008.

Comment due date: October 8, 2008.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Anne K. Quinlan
Acting Secretary

Attachment