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SERVICE DATE - DECEMBER 28, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 581X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN FAYETTE AND RALEIGH COUNTIES, WV

Decided: December 22, 2000

CSX Transportation, Inc. (CSXT) filed a verified notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a line of railroad between milepost CAX0.0, near Mill Creek Junction, and milepost CAX4.8, near Garden Ground, a distance of approximately 4.8 miles, in Fayette and Raleigh Counties, WV. Notice of the exemption was served and published in the Federal Register on October 30, 2000 (65 FR 64741).

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on November 7, 2000. By decision served November 15, 2000, the Board, among other things, extended the due date for filing comments to the EA from November 17, 2000 to December 15, 2000, and postponed the effective of the exemption until December 29, 2000.

In the EA, SEA stated that the U.S. Fish and Wildlife Service (US FWS) and the U.S. Army Corps of Engineers (Corps) had not completed their review of the proposed abandonment. SEA recommended that (1) CSXT be prohibited from salvaging or disposing of the entire right-of-way until completion of the section 7 process of the Endangered species Act, 16 U.S.C. 1531, and (2) CSXT further consult with the Corps prior to salvage of the right-of-way to determine if the project was consistent with applicable Federal, state, and local water quality standards, and if permits were required under section 404 of the Clean Water Act. Based on comments to the EA received from US FWS and the Corps, SEA now recommends that no conditions be imposed on the abandonment.

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

It is ordered:

1. Abandonment of the involved rail line will have no significant effect on the quality of the human environment and conservation of energy resources or on historic resources.

2. This decision is effective on its service date.

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

Vernon A. Williams
Secretary