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OEA

SERVICE DATE – MARCH 18, 2019

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 55 (Sub-No. 788X)
CSX Transportation, Inc. – Abandonment Exemption –
in Preston County, W.VA.

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Preston County, West Virginia. The rail line proposed for abandonment extends approximately 6.78 miles from Milepost BAJ 3.0 to Milepost BAJ 9.78 (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, CSXT will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

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 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

The Line was originally constructed by the New York & Harlem Railroad (NY&HR) between 1880 and 1913. The Line was acquired and operated between 1904 and 1920 by the Morgantown and Kingwood Railroad (MKRR). MKRR was absorbed by the Baltimore and Ohio Railroad Company (B&O) in 1920. The Chessie System was formed in 1973 as a new corporate identity for several railroads, including B&O. Chessie System and Seaboard Coast Line Industries merged in 1980 to become CSX Corporation.

The Line closely parallels the Cheat River in a mountainous, forested area that previously contained strip mines, mine dumps and lumber companies. There are four stations and seven bridges on the Line. There are no public or private crossings. The right-of-way width varies

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 55 (Sub-No. 788X).

between 25 and 75 feet from the center-line of track. Based on information in the possession of CSXT, the Line does not contain federally granted rights-of-way. The property proposed for abandonment may be suitable for purposes other than rail.

In a decision served by the Board on April 9, 2004 in STB Docket No. AB-55 (Sub-No. 625X), CSXT was granted authority to abandon an approximately 14.3-mile rail line between Milepost BAJ 0.0 and Milepost BAJ 14.3. The Line that is the subject of this abandonment was part of that 14.3-mile line. CSXT consummated the abandonment on the end portion of the line extending from Milepost BAJ 9.78 to Milepost BAJ 14.3 in 2006. A trail use agreement was reached with Greer Industries for the beginning portion of the line between Milepost BAJ 0.0 and Milepost 3.0. CSXT and the West Virginia Department of Transportation State Rail Authority (WVRA) were negotiating for trail use on the remaining 6.78-mile line. CSXT and WVRA reached a trail use agreement but did not file the agreement with the Board. CSXT, therefore, still has a common carrier obligation over the Line. CSXT is now seeking renewed authority to abandon the Line. CSXT and WVRA have reached a tentative trail use agreement which is subject to the Board granting abandonment authority and the issuance of a NITU.

Diversion of Traffic

According to CSXT, overhead traffic has been rerouted and no local rail traffic has moved over the Line during the past two years. Accordingly, 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. If abandonment authority is granted, operations and maintenance of the Line would cease. CSXT plans to transfer the Line to WVRA under the National Trails Act.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the 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.

CSXT indicates that abandonment of the Line in this case would only result in the removal of the rail, crossties, and possibly the upper layer of ballast. CSXT does not intend to disturb any sub grade or sub grade structures. Any trail related structures, such as bridges, trestles, culverts and tunnels would not be salvaged. Upon receiving abandonment authority, removal of material would be accomplished by use of the existing right-of-way for access, along with existing crossings. No new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbed or to perform any activities that would cause sedimentation or erosion of soil. CSXT does not anticipate any dredging or use of fill in the removal of the track material. CSXT would transport crossties and/or other debris away from the Line and would not discard them along the right-of-way or place or leave them in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate

measures would be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways.

CSXT does not foresee any inconsistency with regional and/or local land use plans. CSXT does not believe that any prime agricultural land would be affected by the proposed abandonment. CSXT states that no known hazardous waste sites or sites where there have been known hazardous material spills are located in or adjacent to the right-of-way.

No wetlands or 100-year flood plains would be affected by the proposed abandonment. The Line is not located in a coastal zone. CSXT believes that activities related to the proposed abandonment would be consistent with applicable water quality standards, and no permits under Sections 402 or 404 of the Clean Water Act would be required.

No wildlife sanctuaries, refuges, national or state parks, or forests would be adversely affected by the proposed abandonment. Based on information that CSXT included in its report, OEA obtained an official list of threatened or endangered species that may be in the project area using the U.S. Fish and Wildlife Service (USFWS) online Information for Planning and Consultation (IPaC) tool.² The Indiana bat, northern long-eared bat, Virginia big-eared bat, flat-spined three-toothed snail, and running buffalo clover were identified as federally threatened or endangered species potentially present in the project area. According to the IPaC report, there are no designated critical habitats within the project area. OEA has determined that these species would not be adversely affected by salvage activities based on the information provided and because CSXT's salvage activities are of limited scope. CSXT has a thorough salvage protocol, as discussed above, which does not contemplate new access roads, tree removal, or any activities that would cause sedimentation or erosion of soil. Also, during track removal, CSXT would implement appropriate measures to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. The proposed abandonment would have no adverse effect on areas designated as critical habitat. OEA is providing a copy of this EA to the USFWS West Virginia Ecological Services Field Office for review and comment.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts.

HISTORIC REVIEW

CSXT submitted a Historic Report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the West Virginia Division of Culture and History

² U.S. Fish and Wildlife Service, Information, Planning, and Conservation System, <http://ecos.fws.gov/ipac> (last visited March 6, 2019).

(West Virginia State Historic Preservation Office or SHPO) pursuant to 49 C.F.R. § 1105.8(c).³

As discussed above, in a decision served by the Board on April 9, 2004 in STB Docket No. AB-55 (Sub-No. 625X), CSXT was granted authority to abandon an approximately 14.3-mile rail line between Milepost BAJ 0.0 and Milepost BAJ 14.3. The Line that is the subject of this abandonment was part of that 14.3-mile line. CSXT, OEA and the SHPO executed a Memorandum of Agreement (MOA) in 2005 to mitigate adverse effects of the original abandonment on historic properties. That MOA required CSXT to provide the SHPO with a West Virginia Historic Property Inventory Form for each bridge structure on the Line determined to be eligible for listing in the National Register of Historic Places (National Register) and provide the SHPO with black and white photographs of the bridge structures. CSXT indicates that documentation on the bridges was provided to the SHPO in 2005 in compliance with the MOA.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, OEA has determined that the proposed abandonment would not affect historic properties within the right-of-way (the Area of Potential Effect, or APE) listed in or eligible for inclusion in the National Register because the MOA executed in 2005 included the Line that is the subject of this abandonment and CSXT has complied with the requirements of that MOA. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's historic report, all relevant correspondence, the MOA executed in 2005, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.gov>. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.gov/stb/environment/preservation.html>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development's tribal directory assessment tool to identify federally-recognized tribes that may have ancestral connections to the project area.⁴ The database did not indicate any federally-recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the APE of the proposed abandonment.

CONDITIONS

³ Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the National Historic Preservation Act (NHPA). Applicants are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation Letter can be found on the Board's website at [https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation of 106 in Rail Abandonments.pdf](https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation%20of%20106%20in%20Rail%20Abandonments.pdf).

⁴ U.S. Department of Housing and Urban Development, <http://egis.hud.gov/tdat> (last visited March 6, 2019).

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

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, abandonment of the Line would 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 Line, the right-of-way may be suitable for other public use. A request containing the requisite 4-part showing for imposition of a public use condition (49 C.F.R. § 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. 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 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send original and 2 copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 55 (Sub-No. 788X) in all**

correspondence, including e-filings, addressed to the Board. If you have any questions regarding this Environmental Assessment, please contact Kenneth Blodgett by phone at (202) 245-0305, fax at (202) 245-0454, or e-mail at Kenneth.Blodgett@stb.gov.

Date made available to the public: March 18, 2019.

Comment due date: April 2, 2019.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment



Kingwood, WV

72

Milepost BAJ 9.78

Cheat River

72

Milepost BAJ 3.00

AB 55 (Sub-No. 788X)

CSX Transportation, Inc.
Abandonment Exemption
Preston County, WV

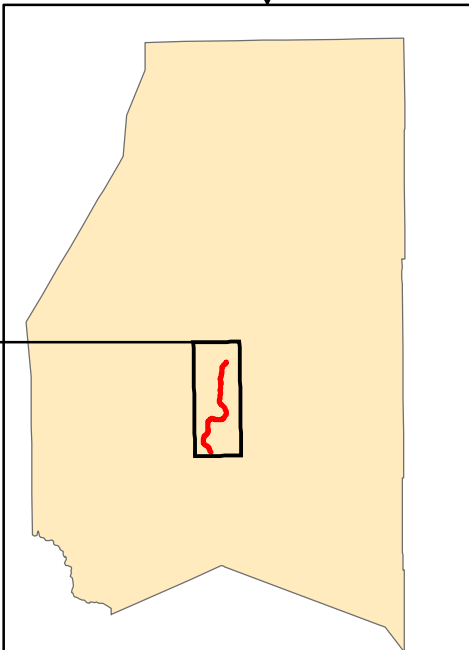
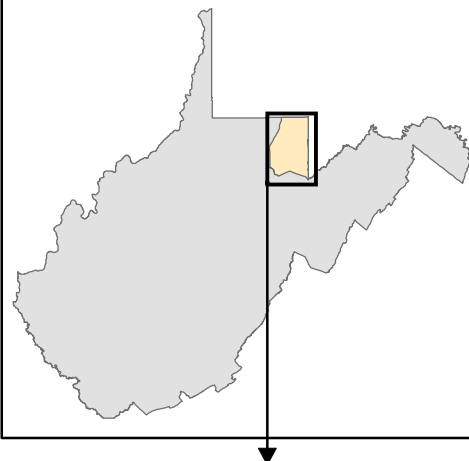
 Rail line proposed for
abandonment

 Rail right-of-way
(approximate)

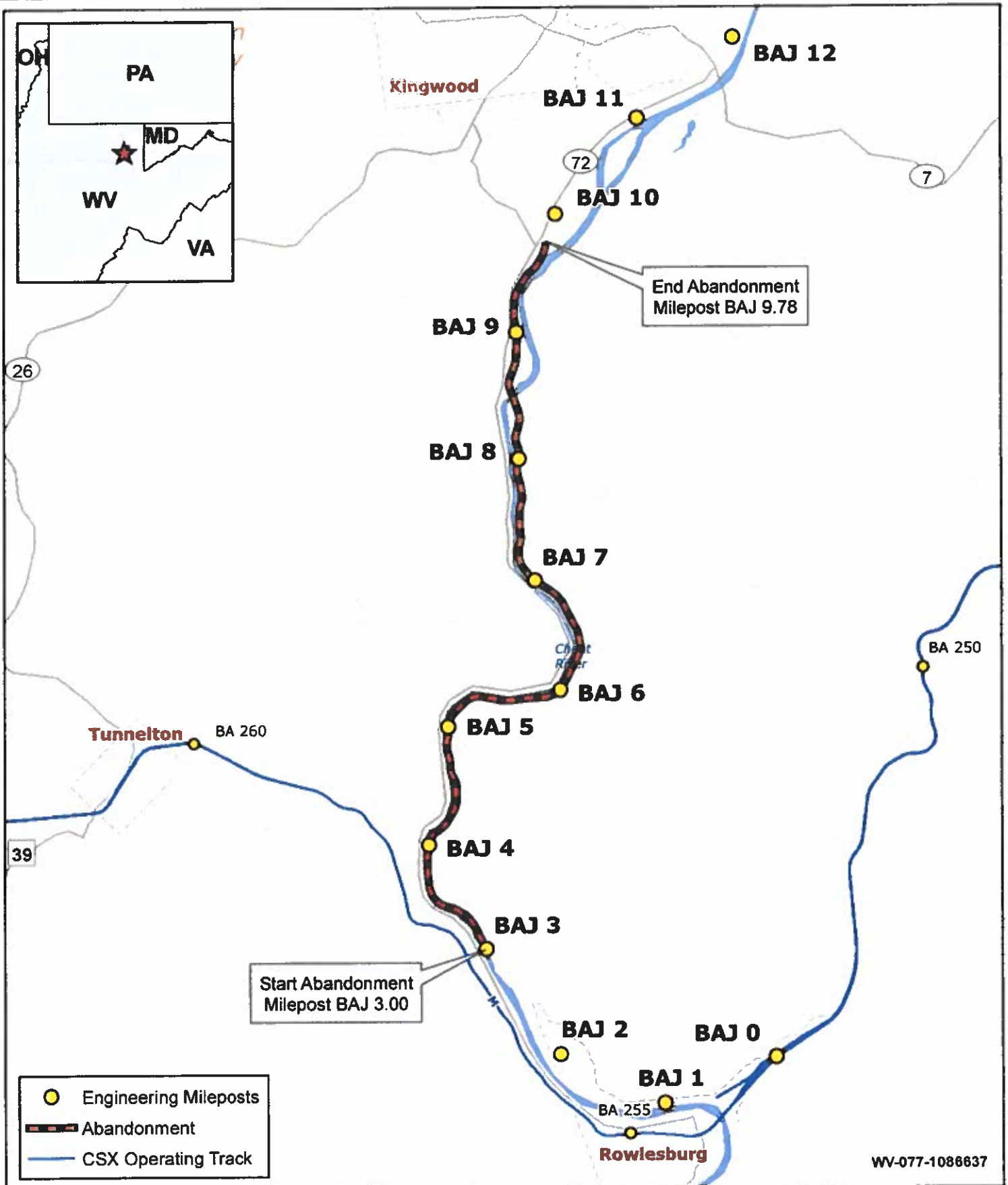
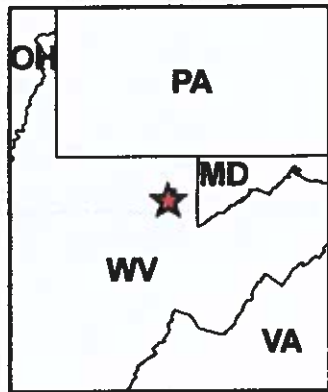
0 0.3 0.6 1.2
 Miles

Note: Maps produced by the
Surface Transportation Board's
Office of Environmental Analysis
are based on information provided
by the railroad applicant and are
intended for general reference
purposes only.

Project location in West Virginia



Project location in Preston County



CSX Transportation, Inc.
Proposed Abandonment
Preston County, WV
Milepost BAJ 3.00 to BAJ 9.78
Total Distance of approx. 6.78 Miles
Baltimore Division - Mountain Subdivision
STB Docket No. AB 55 (Sub-No. 786X)

0 0.5 1
Miles

