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OEA

SERVICE DATE – FEBRUARY 3, 2017

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 55 (Sub-No. 768X)**

**CSX Transportation, Inc. – Abandonment Exemption –  
In  
Greenbrier and Fayette Counties, W.Va.**

**BACKGROUND**

In this proceeding, CSXT Transportation, Inc. (CSXT) filed a notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of approximately 6.0 miles of rail line on its Southern Region, Huntington Division, Sewell Valley Subdivision, located between milepost CAF 21.0 and milepost CAF 27.0, near Rainelle, in Greenbrier and Fayette Counties, West Virginia (the Line). CSXT states that it has reached agreement with the Greenbrier County Commission and the Fayette County Commission to convert the corridor to a trail, pursuant to the National Trails System Act at 16 U.S.C. § 1247(d).

The Line travels through several small communities and closely parallels the Meadow River in the heavily forested and rugged Appalachian Mountains. According to CSXT, there is one station at milepost CAF 21.0, Rainelle Junction, that will remain open. The Line's right-of-way is approximately 33 feet in width from the centerline of the track and the proposed abandonment traverses United States Zip Code 25962. CSXT states that the Line does not contain any federally granted rights-of-way. If abandonment authority is granted, CSXT would be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

**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)].<sup>1</sup> The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

### ***Diversion of Traffic***

According to CSXT, no local traffic has moved over the line for at least two years and no overhead traffic would be rerouted. 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.

### ***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 construction of new access points to the right-of-way. If abandonment authority is granted, CSXT intends to salvage the rail, ties, track materials, and possibly the upper layer of ballast. CSXT does not intend to disturb or salvage any sub-grade or sub-grade structures, including bridges, trestles, culverts, and tunnels. If the rail line should become a trail under the National Trails System Act, the corridor would remain in place.

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.

OEA has not received comments from the West Virginia Department of Transportation (WVDOT), but believes that public safety would improve as a result of the proposed abandonment because CSXT intends to eliminate four at-grade public road crossings. OEA has included WVDOT in the service list for this proceeding so that it may receive a copy of the EA and provide comments on this matter, if necessary.

The West Virginia Office of the Governor commented that it has forwarded the environmental and historic report to the appropriate office for further review.

The U.S. Army Corps of Engineers' (Corps) initially commented that a Section 404 permit under the Clean Water Act (33 U.S.C. § 1344) may be required, but later indicated that no permit would be needed because CSXT's salvage operations would not result in the discharge of dredged or fill material into waters of the United States. CSXT has stated that it intends to

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<sup>1</sup> The Environmental and Historic Reports are available for viewing on the Board's website at [www.stb.gov](http://www.stb.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB 55 (Sub-No. 768X).

conduct salvage activities in the existing right-of-way, along existing public and private crossings. No new access roads are contemplated, and CSXT does not intend to disturb any of the underlying road bed or perform any activities that would result in sedimentation or erosion of the soil. No dredging or use of fill material would occur in removing the track and ties and CSXT would transport the crossties and other debris away from the rail line and associated water resources. Finally, CSXT would use appropriate measures during salvage to prevent and control spills from fuels, lubricants and other pollutants from entering any waterways. Accordingly, OEA concludes that no further consultation with the Corps is necessary in this proceeding.

OEA has not received comments from the U.S. Environmental Protection Agency (USEPA), but believes that the proposed abandonment would not have a significant impact on land, air or water resources because CSXT has indicated that there are no known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way proposed for abandonment. OEA has included USEPA in the service list for this proceeding so that it may review the EA and provide comments, if necessary.

OEA has not received comments from the West Virginia Department of Environmental Protection (WVDEP) as to the need for a Section 402 permit under the Clean Water Act (33 U.S.C. § 1342), but believes that the proposed abandonment would not have a significant impact on water quality, given CSXT's salvage procedure of minimal disturbance. OEA has included WVDEP in the service list for this proceeding so that it may review the EA and provide comments on this matter, if necessary.

The National Geodetic Survey (NGS) commented that there are no geodetic station markers that may be affected by the proposed abandonment. OEA has therefore determined that no further consultation with NGS in this abandonment proceeding is necessary.

OEA has not yet received responses from several other federal, state and local agencies regarding potential environmental impacts from the proposed abandonment. OEA is therefore sending a copy of this EA to the following additional agencies for review and comment: the National Park Service; the U.S. Fish and Wildlife Service; the U.S. Department of Agriculture Natural Resources Conservation Service; the Fayette County Commission; and the Greenbrier County Commission.

## **HISTORIC REVIEW**

CSXT submitted an 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 (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). The report indicates that the line proposed for abandonment contains no CSXT-owned structures that are 50 years old or older that may be eligible for listing in the National Register of Historic Places (National Register). Based on available information, the SHPO submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment.

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, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. 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, 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>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of two Native American databases to identify federally recognized tribes that may have ancestral connections to the project area.<sup>2</sup> The databases indicate that there are three federally recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way or APE of the proposed abandonment. The tribes are: the Catawba Indian Nation; the Eastern Band of Cherokee Indians; and the Eastern Shawnee Tribe of Oklahoma. OEA has included these tribes in the service list for this proceeding so that they may receive a copy of the EA for review.

## **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 rail 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).

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<sup>2</sup> Native American Consultation Database <http://grantsdev.cr.nps.gov/Nagpra/NACD/> (last visited January 23, 2017) and the U.S. Housing and Urban Development's Tribal Directory Assessment Tool at <http://egis.hud.gov/tadat/Tribal.aspx> (last visited January 23, 2017).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC 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 an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Diana Wood, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.gov](http://www.stb.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 55 (Sub-No. 768X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at [Diana.Wood@stb.gov](mailto:Diana.Wood@stb.gov).

Date made available to the public: February 3, 2017.

**Comment due date: February 21, 2017.**

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

Attachment