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SERVICE DATE – APRIL 3, 2008

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: April 2, 2008

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 became effective on October 20, 2004.

By decision served on October 19, 2004 (October 2004 decision), the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to two environmental conditions. One of the conditions required CSXT 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).

SEA has advised that, by letter dated March 12, 2008, CSXT submitted comments from the West Virginia Division of Culture and History (SHPO) indicating that the condition requiring compliance with the section 106 process has been fulfilled.

SEA states that, pursuant to the section 106 regulations of the NHPA at 36 CFR 800.4(d)(1) and following consultation with the SHPO, it has determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register of Historic Places. Therefore, SEA recommends that the section 106 historic preservation condition imposed in the October 2004 decision be removed.

Accordingly, based on SEA's recommendation, the proceeding will be reopened and the previously imposed historic preservation condition will be removed. The other condition will remain in effect.¹

¹ That condition requires CSXT to consult with the National Geodetic Survey (NGS) and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic station markers on the line.

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 section 106 historic preservation condition imposed in the October 2004 decision is removed. The other environmental condition remains in effect.
3. This decision is effective on its service date.

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

Anne K. Quinlan
Acting Secretary