

SURFACE TRANSPORTATION BOARD

DECISION

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

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN GREENBRIER
AND FAYETTE COUNTIES, W. VA.

Decided: February 27, 2017

This decision makes, pursuant to 49 C.F.R. § 1011.7(a)(2)(ix), a Finding of No Significant Impact under 49 C.F.R. § 1105.10(g).

CSX Transportation, Inc. (CSXT) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon an approximately 6.0-mile rail line on its Southern Region, Florence Division, Sewell Valley Subdivision, between milepost CAF 21.0 and the end of the track at milepost CAF 27.0 near Rainelle, in Greenbrier and Fayette Counties, W. Va. (the Line).¹ Notice of the exemption was served and published in the Federal Register on January 27, 2017 (82 Fed. Reg. 8,648). The exemption is scheduled to become effective on February 28, 2017.²

The Board's Office of Environmental Analysis (OEA) served an Environmental Assessment (EA) on February 3, 2017, and solicited public comments. OEA received one comment from the National Geodetic Survey stating that there are no geodetic survey markers within the area of the proposed abandonment. A Final EA was issued on February 22, 2017. No environmental or historic preservation issues have been raised by any party or identified by OEA. Accordingly, a finding of no significant impact under 49 C.F.R. § 1105.10(g) will be made pursuant to 49 C.F.R. § 1011.7(a)(2)(ix).

¹ CSXT was authorized to discontinue service over the Line in 2016. CSX Transp., Inc.—Discontinuance of Serv. Exemption—in Greenbrier & Fayette Ctys, W. Va., AB 55 (Sub-No. 759X) (STB served April 4, 2016). By letter dated May 6, 2016, CSXT informed the Board that it had consummated the discontinuance of the Line.

² On February 9, 2017, JJ Resources, LLC (JJR) late-filed a formal expression of intent to file an offer of financial assistance (OFA) to purchase the Line. JJR submitted a petition for leave to late-file its notice of intent. On February 22, 2017, JJR filed a request to toll the due date to submit an OFA until at least 10 days after CSXT provided it with the information specified at 49 C.F.R. § 1152.27(a) along with certain other information. On February 27, 2017, JJR filed a letter withdrawing its notice of intent and petitions for leave and to toll the OFA period. JJR states that CSXT has been notified of the withdrawal of these pleadings. Accordingly, the effective date of exemption remains February 28, 2017.

It is ordered:

1. Abandonment of the Line will have no significant effect on the quality of the human environment and conservation of energy resources or on historic resources.
2. JJR's notice of intent and petitions for leave and to toll the OFA period are withdrawn.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.