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SERVICE DATE - JANUARY 6, 1997

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

NO. AB-167 (SUB-NO. 1168X)

**CONSOLIDATED RAIL CORPORATION--ABANDONMENT EXEMPTION--
IN BROOKE AND HANCOCK COUNTIES, WEST VIRGINIA**

BACKGROUND

In this proceeding, the Consolidated Rail Corporation (Conrail) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of its railroad line located between milepost 35.70 and milepost 39.70, a distance of four miles in Brooke and Hancock Counties, West Virginia. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

The line proposed for abandonment has been out of service for more than two years and no commodities are transported over it. If abandonment is authorized, Conrail plans to remove track, track material, and crossties.

ENVIRONMENTAL REVIEW

The railroad has submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated the record in this proceeding. Also, we have contacted appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included U.S. Army Corps of Engineers, the Natural Resources Conservation Service, the West Virginia Division of Natural Resources, and Hancock County Commission.

CONDITIONS

The Natural Resources Conservation Service has stated that there are Prime Farmland Soils, identified as Chavies fine sandy loam, Chagrin fine sandy loam, Lindside silt loams, and Huntington silt loam, in much of the area of the existing tracks. However, NRCS does not expect detrimental effects from salvage of the line unless previously undisturbed Prime Farmland is disturbed. Therefore, we recommend imposition of the following condition: **The Consolidated Rail Corporation shall confine its salvage activities to the existing right-of-way and shall not disturb any previously undisturbed Prime Farmland.**

CONCLUSIONS

Based on the information provided from all sources to date and subject to the recommended condition, we conclude that, as currently proposed, abandonment of the line will 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

If abandonment and salvage of the rail line does take place, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 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. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance (OPA) responds to questions regarding interim trail use, public use, and other

reuse alternatives. You may contact OPA directly at (202) 927-6184, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Room 4412, Washington, DC 20423.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and one copy** to Vernon A. Williams, Office of the Secretary, Room 2221, Washington, DC 20423, to the attention of Victoria Rutson, who prepared this environmental assessment. **Please refer to Docket No. AB-167 (Sub-No. 1168X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Ms. Rutson at (202) 927-6211.

Date made available to the public: December 31, 1996.

Comment due date: January 15, 1997.

By the Board, Elaine K. Kaiser, Chief, Section of Environment Analysis.

Vernon A. Williams
Secretary