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SERVICE DATE - MARCH 18, 1999

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-559 (Sub-No. 1X)]

Gauley River Railroad, LLC--Abandonment and Discontinuance of Service--In

Webster and Nicholas Counties, WV

[STB Docket No. AB-55 (Sub-No. 572X)]

CSX Transportation, Inc.--Discontinuance of Service--In Webster

and Nicholas Counties, WV

On February 26, 1999, Gauley River Railroad, LLC (GRIV) and CSX Transportation, Inc. (CSXT) jointly filed with the Surface Transportation Board (Board) petitions under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903. GRIV seeks to abandon and discontinue service over: (1) a 10-mile line of railroad extending between milepost BUE-119 at Cowen, WV, and milepost BUE-129 at Allingdale, WV (Line A), and (2) a 8.3-mile line of railroad extending between milepost BUE-12.4 at Muddlety Falls, WV, and milepost BUE-20.7 at Muddlety, WV (including the McMillion Creek Branch and Delmont Branch) (Line C). Both GRIV and CSXT seek to discontinue service over a 12.4-mile line of railroad between milepost BUE-0.0 at Allingdale and milepost BUE-12.4 at Muddlety Falls

(Line B).¹ The three lines total 30.7 miles in Webster and Nicholas Counties, WV (collectively, the Line). The Line traverses U.S. Postal Service ZIP Codes 26205, 26651, 26266 and 26206, and includes the stations of Gauley Mill, Allingdale, Delphi, Ticoal, Gauley Eagle 4, and Muddlety.

The Line does not contain federally granted rights-of-way. Any documentation in the GRIV's and CSXT's possession will be made available promptly to those requesting it.

In STB Docket No. AB-559 (Sub-No. 1X), GRIV is proposing to abandon lines that constitute its entire rail system. When issuing abandonment authority for railroad lines that constitute the carrier's entire system, the Board does not impose labor protection, except in specifically enumerated circumstances. See Northampton and Bath R. Co.--Abandonment, 354 I.C.C. 784, 785-86 (1978) (Northampton). Therefore, if the Board grants the petition for exemption, in the absence of a showing that one or more of the exceptions articulated in Northampton are present, no labor protective conditions would be imposed. In STB Docket No. AB-55 (Sub-No. 572X), the interests of railroad employees will be protected by the conditions set forth in Oregon Short Line R. Co.--Abandonment--Goshen, 360 I.C.C. 91 (1979).

¹ Line B is owned by the Strouds Creek and Muddlety Railroad Company (SC&M). It was leased to CSXT's predecessor company on November 1, 1943, and then subleased to GRIV as part of the transaction in Gauley River Railroad, LLC--Purchase, Lease and Operation Exemption--CSX Transportation, Inc., STB Finance Docket No. 33579 (STB served July 14, 1998). Petitioners certified that a copy of the petition was served on SC&M.

STB Docket No. AB-559 (Sub-No. 1X), et al.

By issuance of this notice, the Board is instituting exemption proceedings pursuant to 49 U.S.C. 10502(b). A final decision will be issued by June 16, 1999.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petitions for exemption. Each offer must be accompanied by a \$1,000 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than April 7, 1999. Each trail use request must be accompanied by a \$150 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket Nos. AB-559 (Sub-No. 1X) and AB-55 (Sub-No. 572X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001, and (2) Robert A. Wimbish, Rea, Cross & Auchincloss, 1707 L Street, N.W., Suite 570, Washington, DC 20036, and Charles M. Rosenberger, CSX Transportation, Inc., 500 Water Street, Jacksonville, FL 32202. Replies are due April 7, 1999.

Persons seeking further information concerning abandonment and discontinuance procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of

STB Docket No. AB-559 (Sub-No. 1X), et al.

Environmental Analysis (SEA) at (202) 565-1545. [TDD for the hearing impaired is available at (202) 565-1695.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our website at
“WWW.STB.DOT.GOV.”

Decided: March 12, 1999.

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

Vernon A. Williams

Secretary