

SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS
FINAL ENVIRONMENTAL ASSESSMENT
ENVIRONMENTAL RECOMMENDATIONS IN
DOCKET NO. AB 55 (SUB-NO. 745X)

November 19, 2015

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:
(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() NO NEW COMMENTS WERE RECEIVED

(X) NEW COMMENT WAS RECEIVED

In this proceeding, the CSX Transportation, Inc. (“CSXT”) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 to abandon an 11.4-miles rail line located in its Southern Region, Huntington West Division, Middle Creek Subdivision in Floyd County, Kentucky. The rail line proposed for abandonment extends approximately between Milepost COQ 0.0, near Prestonsburg and Milepost 10.1 in David, Floyd County, KY (the “Line”). The line includes a small spur that extends south from the main line north of COQ7 (see map).

The City of Prestonsburg, KY filed a Notice of Interim rails Used (NITU) and a request for Public Use Condition with the Board on November 2, 2015. In a letter filed with the Board, CSXT has agreed to negotiate a NITU with the City of Prestonsburg to convert the line for trails use. Consequently, CSXT indicates that it does not plan to remove any trail related structures such as bridges, trestles, culverts or tunnels. Rather, CSXT will leave any structures in place for trails use.

The Office of Environmental Analysis (OEA) served an Environmental Assessment (EA) in this proceeding on November 3, 2015 for public review and comment. In the EA, OEA recommended three environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment if the conditions were imposed. The current conditions in the EA are as follows:

- 1. CSXT shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.**

2. CSXT shall retain its interest in and take no steps to alter the historic integrity of all historic properties on the rail line including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108 has been completed. CSXT shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the State Historic Preservation Office and the public. CSXT may not file its consummation notice or initiate any salvage activities related to the abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

One new environmental comment was received from the Kentucky Department for Environmental Protection, Division of Water (DOW). In its November 18, 2015 letter to OEA, DOW notes that there is a high incidence of flooding in the area of the proposed abandonment. DOW states that it is consequently concerned that CSXT intends to leave all the structures on the line in place as they may pose flood hazards. In its comments, DOW recommends that CSXT either remove and remediate any structures that pose any flooding hazards (in the event a trails use agreement is not reached), or develop a management plan that would be implemented should CSXT choose to leave the structures in place. To insure that its concerns are appropriately addressed, OEA recommends the addition of the following **new** condition:

New Condition:

- 1. Prior to the commencement of any salvage activities, CSXT shall consult with the Kentucky Department for Environmental Protection regarding flooding hazards that could result from bridges, culverts, and other structures that might worsen flooding events should CSXT choose to leave them in place should they not be salvaged.**

Conclusion

The EA comment period has ended and one new comment was received. Accordingly, OEA recommends that the two conditions originally recommended in the EA and the above new condition be imposed upon any decision granting abandonment authority.

OEA concludes that if the above conditions are imposed, the proposed action would not significantly affect the quality of the human environment.

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November 19, 2015

Catherine Nadals
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Office of Environmental Analysis
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Washington, D.C. 20423

Re: Docket No. AB55 (Sub-No. 745X)
CSX Notice of Exemption- Track Abandonment
Prestonsburg to David, Floyd County

Ms. Nadals,

The Kentucky Department for Environmental Protection has reviewed this project on multiple occasions and has concerns in regards to the CSX's statement to leave all trail related structures, such as bridges, trestles, culverts and tunnels in place. This portion of Floyd County has a high rate of flooding. Since failure to implement proper maintenance can cause additional flooding issues for local landowners, the Division of Water (DOW) would be open to either removal of the structures and remediation or development of a maintenance plan of action. This action plan should detail how CSX intends to maintain these areas in good condition to keep them free of drift and debris (KRS 151.250, 401 KAR 4:060 Section 3(1)). DOW would still require a maintenance requirement even if CSX removes the line since CSX previously received authorization from DOW for the installation of these structures.

This review is based upon the information that was provided by the applicant.

If you should have any questions, please contact me at (502) 564-2150, ext. 3125.

Sincerely,

A handwritten signature in cursive script that reads "Ronald T. Price".

Ronald T. Price
State Environmental Review Officer
Kentucky Department for Environmental Protection