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SERVICE DATE - AUGUST 30, 1999

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

NO. AB-227 (SUB-NO. 9X)

**WHEELING & LAKE ERIE RAILWAY COMPANY
--ABANDONMENT EXEMPTION--
IN HARRISON AND JEFFERSON COUNTIES, OHIO**

BACKGROUND

In this proceeding, the Wheeling & Lake Erie Railway Company (WLE) has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of its railroad line, known as the Valley Line, between milepost 188.5, near Unionvale, and milepost 205.54, near Warrenton, a distance of approximately 18 miles, in Jefferson and Harrison Counties, Ohio. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances.

DESCRIPTION OF THE LINE

WLE has not handled any traffic on the line since July 1997. The line has been out of service as a through route since March 1995, when a derailment damaged a portion of the line near Dillonvale, Ohio. There are no active shippers on the line, and the last shipment to move over any portion of the line occurred in July 1997. There are 21 bridges, 2 tunnels, and 1 depot that are fifty years old or older located on the Valley Line.

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 verified the record in this proceeding. Responses to the railroad's request for comments thus far have

indicated a need for mitigation conditions.

The United States Department of Agriculture, Natural Resources Conservation Service (NRCS), states that the line is adjacent to several prime farmland soil units as well as a flood control project. As a result, WLE must file required information with NRCS. Both the United States and the Ohio Environmental Protection Agencies note that no debris from salvage operations may be left in the right-of-way or along waterways and that appropriate measures must be taken to preclude spills of pollutants into water courses. The Ohio Historic Preservation Office has not completed its review of the proposed abandonment.

CONDITIONS

In response to the comments summarized above, we recommend that the following conditions be placed on any decision granting abandonment authority:

1. The railroad shall consult with the Natural Resources Conservation Service (Hopedale, Ohio) to provide information required by that agency.
2. The railroad shall remove all salvage operation debris from the right-of-way, streams or wetlands, or the banks of such waterways, and shall take appropriate measures to prevent or control spills from fuels, lubricants or any other pollutants from entering water courses.
3. The railroad shall 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.

CONCLUSIONS

Based on the information provided from all sources to date, and subject to the recommended conditions, 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 takes 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 the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. 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 Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Room 848, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Suite 700, Washington, DC 20423, to the attention of Harold McNulty, who prepared this environmental assessment. **Please refer to Docket No. AB-227 (Sub No. 9X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Mr. McNulty at (202) 565-1539.

Date made available to the public: August 30, 1999.

Comment due date: September 29, 1999.

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

Vernon A. Williams
Secretary

ATTACHMENT

MAP NEEDS TO BE SCANNED.