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SERVICE DATE – LATE RELEASE JUNE 17, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1031X

EAST TENNESSEE RAILWAY, L.P.—ABANDONMENT EXEMPTION—IN
WASHINGTON AND CARTER COUNTIES, TENN.

Decided: June 17, 2011

This decision reopens the proceeding to remove the Section 106 historic preservation condition that was imposed in this proceeding.

East Tennessee Railway, L.P. (ETRY), filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon a segment of its rail line between milepost 1.2, in Johnson City (the City), and milepost 11.2 at the end of the line, in Elizabethton, in Washington and Carter Counties, Tenn. (the Line).

Notice of the exemption was served and published in the Federal Register on December 7, 2009 (74 Fed. Reg. 64,120). The exemption became effective on January 6, 2010.

By decision served on January 5, 2010 (January 2010 decision), the proceeding was reopened at the request of the Board's Office of Environmental Analysis (OEA), and the exemption was made subject to a salvage-related condition, a public use condition and a historic preservation condition under Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470f. The decision also included a notice of interim trail use or abandonment (NITU) authorizing the City to negotiate an interim trail use/rail banking agreement with ETRY for the Line. The NITU negotiating period was extended twice, with the latest extension (by decision served on December 23, 2010) until June 29, 2011. On June 2, 2011, the City filed a letter notifying the Board that an interim trail use/rail banking agreement had been reached.

By letter filed on June 7, 2011, ETRY requests removal of the Section 106 historic preservation condition. ETRY attaches to its letter a copy of a letter dated May 26, 2011, from the Tennessee State Historic Preservation Officer confirming that the project will not adversely affect any property eligible for listing in the National Register of Historic Places. Therefore, based on the information provided, OEA recommends that the Section 106 historic preservation condition imposed in the January 2010 decision be removed.

Accordingly, the proceeding will be reopened and the previously imposed Section 106 historic preservation condition will be removed.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the Section 106 historic preservation condition imposed in the January 2010 decision is removed.
3. This decision is effective on its date of service.

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