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SERVICE DATE - MAY 1, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-565 (Sub-No. 2X)

NEW YORK CENTRAL LINES, LLC—ABANDONMENT  
EXEMPTION—IN MIDDLESEX COUNTY, MA

Decided: April 25, 2002

New York Central Lines, LLC (NYC) and CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments and Discontinuances of Service for NYC to abandon and CSXT to discontinue service over approximately 4.17 miles of railroad between milepost QBH-2.60 near Sherbom and milepost QBH-6.77 near Holliston, in Middlesex County, MA.

On August 31, 2001, a decision and notice of interim trail use or abandonment (NITU) was served,<sup>1</sup> and in that decision it was noted that the Section of Environmental Analysis (SEA) had initially stated in its environmental assessment that the Massachusetts State Historic Preservation Officer (SHPO) had not completed its review of the proposed abandonment and SEA had recommended that a condition be imposed requiring NYC to retain its interest in and take no steps to alter the historic integrity of the line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA). However, due to a mistaken reliance on a letter submitted by the SHPO in connection with a different proceeding, the section 106 condition was not imposed. It was determined that the section 106 condition should in fact have been imposed in this proceeding because, in a letter dated August 1, 2001, the SHPO indicated that the Bogastow Brook Viaduct, also known as the Jar Brook Viaduct (CSX Bridge No. 4.76), the Highland Street Tunnel, also known as the Phipps Tunnel Bridge (CSX Bridge No. 6.42), the Arch Street Bridge (CSX Bridge No. 5.84), the Exchange Street Railroad Bridge (CSX Bridge No. 5.62), the Winthrop Canal Bridge (CSX Bridge No. 5.73) have each been determined to be potentially eligible for inclusion on the National Register of Historic Places. As a result, by decision served September 10, 2001, the proceeding was reopened and the exemption was conditioned on NYC's retaining its interest in and taking no steps to alter the historic integrity of the line until completion of the section 106 process of the NHPA.

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<sup>1</sup> In that decision, the Town of Sherbom and the Town of Holliston were authorized to negotiate an interim trail use/rail banking agreement with NYC, pursuant to section 8(d) of the National Trail System Act, 16 U.S.C. 1247(d). The trail use negotiating period was scheduled to expire on February 28, 2002, but was extended to August 28, 2002, by decision served February 27, 2002.

SEA now advises that SHPO has determined that the rail line itself (rail ties and upper ballast) is not eligible for listing in the National Register of Historic Places. However, the bridges identified in the September 10, 2001 decision are eligible. Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be modified as set forth in the ordering paragraph below.

As conditioned, this action 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. The Notice of Interim Trail Use or Abandonment served September 10, 2001, is modified to provide that NYC retain its interest in and take no steps to alter the historic integrity of the bridges identified (Bogastow Brook Bridge, Highland Street Tunnel, the Arch Street Bridge, the Exchange Street Railroad Bridge and the Winthrop Can Bridge) until completion of the section 106 process of the NHPA.
3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary