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SERVICE DATE – SEPTEMBER 9, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-156 (Sub-No. 24X)

DELAWARE AND HUDSON RAILWAY COMPANY, INC., D/B/A
CANADIAN PACIFIC RAILWAY COMPANY—ABANDONMENT EXEMPTION—
IN ALBANY COUNTY, NY

Decided: September 8, 2005

Delaware and Hudson Railway Company, Inc., d/b/a/ Canadian Pacific Railway Company (D&H) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 1.3 +/- mile line of railroad known as the Troy Branch extending from milepost T1.81 +/- at Green Island to milepost T3.11 +/- at Cohoes, in Albany County, NY. Notice of the exemption was served and published in the Federal Register on February 18, 2004 (69 FR 7666). The exemption became effective on March 19, 2004.

By decision served on March 18, 2004, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to the condition that D&H retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line until the completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.¹ This historic condition was imposed because the New York State Historic Preservation Office (SHPO) had not completed its assessment of the proposed abandonment at the time SEA prepared its environmental assessment.²

On August 30, 2005, D&H submitted comments from the SHPO stating that it has determined that the proposed abandonment will have no adverse effect on historic properties. Therefore, based on the SHPO's comments, SEA recommends that the section 106 historic preservation condition imposed in the March 18, 2004 decision be removed.

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

¹ The March 18, 2004 decision also imposed a public use condition that expired on September 15, 2004, and three other environmental conditions.

² The March 18, 2004 decision inadvertently referred to the SHPO as the Michigan State Historic Preservation Officer.

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 March 18, 2004 decision is removed.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary