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SERVICE DATE - AUGUST 9, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-592X

FREDONIA VALLEY RAILROAD, INC.–ABANDONMENT  
EXEMPTION–IN CALDWELL COUNTY, KY

Decided: August 7, 2001

On July 23, 2001, Fredonia Valley Railroad, Inc. (FVRR) filed a notice under 49 CFR 1152 Subpart F–Exemption Abandonments to abandon a 2.40-mile line of railroad between milepost 90.00 and the end of the line at milepost 87.60 near Fredonia, in Caldwell County, KY.

The Board's Section of Environmental Analysis (SEA) reviewed the verified notice submitted and discovered that applicant did not submit an Environmental Report (ER) pursuant to 49 CFR 1105.7, or a Historic Report, pursuant to 49 CFR 1105.8. In not complying with the environmental reporting requirements at 1105.7, and the historic reporting requirements at 1105.8, applicant is improperly relying on provisions which relieve applicants in acquisition proceedings from environmental reporting requirements if the action does not result in significant changes in carrier operations. Applicant has not provided sufficient evidence to justify the argument that this transaction does not require environmental review by the Board. SEA recommends rejection of the verified notice for failure to comply with the Board's environmental rules, pursuant to 49 CFR 1011.8(c)(15).<sup>1</sup>

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

It is ordered:

1. The verified notice is rejected.

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<sup>1</sup> This action is without prejudice to FVRR refileing its verified notice with an appropriate ER. FVRR is advised that any refileing should be filed under Docket No. AB-592 (Sub-No. 1X) and include the appropriate filing fee. For assistance in complying with the environmental rules, FVRR should contact SEA at (202) 565-1545 or write to: Section of Environmental Analysis, Surface Transportation Board, Washington, DC 20423.

2. This decision is effective on the service date.

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

Vernon A. Williams  
Secretary