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SERVICE DATE - MARCH 3, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-565 (Sub-No. 6X)

NEW YORK CENTRAL LINES, LLC-ABANDONMENT  
EXEMPTION-IN SHELBY COUNTY, OH

Decided: February 26, 2003

New York Central Lines, LLC (NYC) and CSX Transportation, Inc. (CSXT) (collectively, applicants), 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 .90 miles of railroad between milepost QIO 163.98 and milepost QIO 163.08 in Sidney, Shelby County, OH. Notice of the exemption was served and published in the Federal Register on March 25, 2002 (67 FR 13678-79).

By decision served April 23, 2002, a public use condition was imposed<sup>1</sup> and, at the request of the Board's Section of Environmental Analysis (SEA), the exemption was made subject to three other conditions, including one requiring that applicants retain their interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470(f).<sup>2</sup>

By letter dated January 21, 2003, CSXT has requested that the historic preservation condition be removed. In support of its request, CSXT attached a letter which included an indication by the Ohio State Historic Preservation Office that the proposed abandonment would not likely affect historic properties. As a result, SEA recommends that the section 106 condition imposed in the April 23 decision be removed.

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<sup>1</sup> The public use condition expired on October 21, 2002.

<sup>2</sup> While the notice embraced the proposed discontinuance in STB Docket No. AB-55 (Sub-No. 608), CSX Transportation, Inc.-Discontinuance of Service Exemption-in Delaware County, OH, the environmental conditions were imposed on the proposed abandonment.

Accordingly, the proceeding will be reopened and the previously imposed historic condition will be removed.<sup>3</sup>

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 condition imposed in the decision served April 23, 2002, is removed.
3. This decision is effective on its date of service.

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

Vernon A. Williams  
Secretary

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<sup>3</sup> The two other conditions imposed in the April 23 decision remain.