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SERVICE DATE - OCTOBER 28, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-565 (Sub-No. 11X)

NEW YORK CENTRAL LINES, LLC—ABANDONMENT EXEMPTION—  
IN LAKE COUNTY, OH

STB Docket No. AB-55 (Sub-No. 617X)

CSX TRANSPORTATION, INC.—DISCONTINUANCE OF SERVICE  
EXEMPTION—IN LAKE COUNTY, OH

Decided: October 22, 2003

On October 15, 2002, New York Central Lines, LLC (NYC) and CSX Transportation, Inc. (CSXT), jointly filed a petition seeking an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 for NYC to abandon, and for CSXT to discontinue service over, a 2.56-mile line of railroad in the Western Region, Great Lakes Division, Chicago Line Subdivision, extending from the former B&O Valuation Station 2535+40 to the end of the track at former Conrail Valuation Station 45+01, between Painesville and Grand River, in Lake County, OH. By decision and notice of interim trail use or abandonment (NITU) served on January 31, 2003 (January 2003 decision), the petition for exemption was granted subject to certain conditions, including the condition that NYC and CSXT 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. 470f.

The Board's Section of Environmental Analysis (SEA) has now been informed by CSXT and the Ohio Historic Preservation Office (OH SHPO) that the condition requiring compliance with the section 106 process has been fulfilled. The OH SHPO has determined that no historical properties would likely be affected by the proposed abandonment. Therefore, SEA recommends that the historic preservation condition imposed in the January 2003 decision be removed. Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.<sup>1</sup>

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<sup>1</sup> The January 2003 decision also imposed the employee protective conditions in Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979), and conditions that required NYC and CSXT to: (1) notify the National Geodetic Survey 90 days prior to initiation of any salvage operations

(continued...)

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 2003 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

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<sup>1</sup>(...continued)  
that may affect two survey markers located near the line in order to plan their relocation; (2) comply with the concerns expressed by the U.S. Department of Interior, Fish and Wildlife Service, regarding the summer habitat of the Federally listed endangered Indiana bat that may be within the area by preserving that habitat wherever possible; and (3) comply with the concerns expressed by the U.S. Department of the Interior, Fish and Wildlife Service, regarding Federally listed threatened bald eagles that may be nesting within the area by contacting and coordinating with that agency prior to any salvage activities. Those conditions remain in effect. A public use condition and the trail use negotiation period have expired.