

SERVICE DATE – APRIL 27, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 672X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN MANATEE COUNTY, FL

Decided: April 26, 2007

CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 0.66-mile line of railroad on its Southern Region, Jacksonville Division, Palmetto Subdivision, from milepost SWC 871.0 to the end of track at milepost 871.66, known as the west end of the Parrish Spur, City of Palmetto, in Manatee County, FL. Notice of the exemption was served and published in the Federal Register on March 29, 2007 (72 FR 14861-62). The exemption is scheduled to become effective on April 28, 2007.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on April 3, 2007. In the EA, SEA states that, based on the information available, it does not believe that salvage activities would cause significant environmental impacts. However, SEA recommends that CSXT be required to conduct salvage activities in the following manner: (1) perform salvage activities within the right-of-way and utilize existing public and private crossings; (2) transport crossties and other debris away from the right-of-way, streams, wetlands, and banks of waterways; (3) avoid disturbing the underlying roadbed and any activities that would cause sedimentation or erosion of the soil; (4) avoid dredging or use of fill in the removal of track material; and (5) take precautions during salvage operations to prevent or control spills from fuels, lubricants, or any other pollutant materials from entering any waterways.

SEA has indicated that it conducted a search of the Native American Consultation Database (Database) at <http://www.nps.gov/nacd/> to identify federally recognized tribes that may have ancestral connections to the project area. The Database indicated that the following tribes may have an interest in the proposed abandonment: (1) the Seminole Nation of Oklahoma; and (2) the Seminole Tribe of Florida, Dania Big Cypress, Brighton, Hollywood and Tampa Reservations. SEA stated that it would send a copy of the EA to these tribes for their review and comment.

In the EA, SEA initially recommended that CSXT retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places until the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed.

Pursuant to the section 106 regulations of the National Historic Preservation Act at 36 CFR 800.5(b), and following consultation with the Florida Department of State's Division of Historical Resources and the public, SEA has determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. Accordingly, SEA believes that the previously recommended historic preservation condition is no longer necessary.

Based on SEA's recommendation, the proposed abandonment, if implemented as conditioned, 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 exemption of the abandonment of the line described above is subject to the conditions that CSXT shall: (1) perform salvage activities within the right-of-way and utilize existing public and private crossings; (2) transport crossties and other debris away from the right-of-way, streams, wetlands, and banks of waterways; (3) avoid disturbing the underlying roadbed and any activities that would cause sedimentation or erosion of the soil; (4) avoid dredging or use of fill in the removal of track material; and (5) take precautions during salvage operations to prevent or control spills from fuels, lubricants, or any other pollutant materials from entering any waterways.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary