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SERVICE DATE - MARCH 17, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-468 (Sub-No. 5X)

PADUCAH & LOUISVILLE RAILWAY, INC.–ABANDONMENT EXEMPTION–IN
McCRACKEN COUNTY, KY

Decided: March 16, 2004

On March 4, 2003, the Paducah & Louisville Railway, Inc. (P&L), filed a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon approximately 5,780 feet of rail line extending from station number 17+55, near Caldwell Street, to station number 64+00, near 6th Street, on each side of railroad milepost 1, in the city of Paducah, McCracken County, KY. By decision and notice of interim trail use or abandonment served on June 20, 2003 (June 20 decision), the petition for exemption was granted subject to certain conditions, including the condition that P&L retain its interest in and take no steps to alter the historic integrity of the right-of-way until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

By letter filed on December 15, 2003, P&L has requested that the historic preservation condition be removed. In support of its request, P&L has attached correspondence from the Kentucky State Historic Preservation Officer indicating that the proposed abandonment will have no effect on historic properties. Based on the information submitted by P&L, the Board's Section of Environmental Analysis recommends that the section 106 historic preservation condition imposed in the June 20 decision be removed. Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.¹

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

¹ The June 20 decision also imposed the employee protective conditions in Oregon Short Line R. Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979), and a condition that requires P&L to give the National Geodetic Survey at least 90 days' notice prior to initiation of any salvage operations that may disturb or destroy the identified geodetic station marker so that plans can be made for its relocation. Those conditions remain in effect. A public use condition and the trail use negotiation period have expired.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 historic preservation condition imposed in the June 20 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