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SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1073X

ALABAMA & FLORIDA RAILWAY CO., INC.—ABANDONMENT EXEMPTION—IN
GENEVA, COFFEE AND COVINGTON COUNTIES, ALA.

Decided: November 15, 2011

This decision reopens the proceeding to remove the previously imposed Section 106 historic preservation condition.

Alabama & Florida Railway Co., Inc. (A&F) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon its line of railroad (which constitutes A&F's entire rail system) between milepost 581.3 at Andalusia, and milepost 624.2 at Geneva, a distance of 42.9 miles, in Geneva, Coffee and Covington Counties, Ala. (the line). Notice of the exemption was served and published in the Federal Register on August 9, 2011 (76 Fed. Reg. 48,941-42). The exemption became effective on September 8, 2011.

By decision served on September 7, 2011 (September 7 decision), the proceeding was reopened at the request of the Board's Office of Environmental Analysis (OEA) and the exemption was made subject to a historic preservation condition under Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470f (NHPA).¹ By decision served on October 5, 2011 (October 5 decision), at the request of OEA, the proceeding again was reopened to impose a new salvage-related consultation condition and to modify the Section 106 historic preservation condition to allow A&F to remove the tracks and ties pending completion of the Section 106 process. As modified, the Section 106 historic preservation condition requires A&F to (1) 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 (excluding the tracks and ties) until the Section 106 process of the NHPA has been completed, (2) report back to OEA regarding any consultations with the State Historic Preservation Office (SHPO), any other Section 106 consulting parties, and the public, and (3) refrain from filing its consummation notice until the Section 106 process has been completed and the Board has removed this condition.

By letter filed on November 1, 2011, A&F requests that the Section 106 historic preservation condition be removed. A&F attaches to its letter a copy of a letter, dated October 25, 2011, from the SHPO (the Alabama Historical Commission) stating that the line is

¹ The September 7 decision also imposed, under 49 U.S.C. § 10905, a 180-day public use condition, which is scheduled to expire on March 6, 2012.

not eligible for the National Register of Historic Places. Therefore, based on the information provided, OEA recommends that the Section 106 historic preservation condition be removed.

Accordingly, the proceeding will be reopened and the previously imposed Section 106 historic preservation condition will be removed.

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 September 7 decision, as modified in the October 5 decision, is removed.
3. This decision is effective on its date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.