

34239
DO

SERVICE DATE - DECEMBER 5, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 239X)

THE ALABAMA GREAT SOUTHERN RAILROAD COMPANY—ABANDONMENT
EXEMPTION— IN NEW ORLEANS, LA

Decided: December 3, 2003

The Alabama Great Southern Railroad Company (AGS) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon approximately 1.28 miles of railroad between milepost 1.22-NT and milepost 2.50-NT, in New Orleans, LA. Notice of the exemption was served and published in the Federal Register on October 14, 2003 (68 FR 59237-38).¹

By decision served November 12, 2003 (November 12 decision), the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA), and the exemption was made subject to the conditions that AGS shall: (1) consult with the National Geodetic Survey (NGS) and provide NGS with 90 days' notice prior to any salvage activities in order to plan for the relocation of the geodetic markers; and (2) 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 November 14, 2003, AGS has requested that the historic preservation condition be removed. In support of its request, AGS attached a letter, which included an indication by the Louisiana State Historic Preservation Officer, that no known archaeological sites or historic properties will be affected by the proposed abandonment. Based on the information submitted by AGS, SEA recommends that the section 106 historic preservation condition imposed in the November 12 decision be removed. Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.²

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

¹ The exemption became effective on November 13, 2003.

² The NGS condition imposed in the November 12 decision remains in effect.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 historic preservation condition imposed in the November 12 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