

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-646X

ATLANTIC & WESTERN RAILWAY, L.P.—ABANDONMENT EXEMPTION—
IN LEE COUNTY, NC

Decided: June 13, 2005

Atlantic & Western Railway, L.P. (ATW), filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 0.74-mile line of railroad extending from milepost 3.76 (V.S. 198+37) to milepost 4.50 (V.S. 237+47) in Jonesboro, Lee County, NC, constituting the easternmost portion of ATW's approximately 10-mile line between Cumnock and Jonesboro, NC. Notice of the exemption was served and published in the Federal Register on May 13, 2005 (70 FR 25646-47). The exemption is scheduled to become effective on June 14, 2005.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on May 20, 2005. In the EA, SEA indicates that the North Carolina State Historic Preservation Office (SHPO) has not completed its assessment of the potential impact of this project on historic resources. Therefore, SEA recommends that a historic preservation condition be placed on any decision granting abandonment authority, requiring ATW to retain its interest in and take no steps to alter the historic integrity of the right-of-way, until the completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA).

Comments to the EA were due by June 3, 2005. In a letter dated June 10, 2005, the SHPO requests a consultation with SEA to discuss the potential effects of the project upon the Lee Avenue Historic District, Sanford (Jonesville), listed in the National Register of Historic Places. SEA continues to recommend imposition of the section 106 historic preservation condition. Accordingly, the condition recommended by SEA in the EA will be imposed.

As conditioned, this action 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 for abandonment of the line described above is subject to the condition that ATW 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 NHPA.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary