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Service Date -December 20, 1996

SURFACE TRANSPORTATION BOARD<sup>1</sup>

DECISION

Docket No. AB-385 (Sub-No. 2X)

GEORGIA SOUTHWESTERN DIVISION, SOUTH CAROLINA  
CENTRAL RAILROAD--ABANDONMENT  
EXEMPTION--  
BETWEEN PRESTON AND OMAHA, GA.

Decided: December 13, 1996

In a decision served July 25, 1996, the Georgia Southwestern Division, South Carolina Central Railroad (GSWR), was granted an exemption under 49 U.S.C. 10505 from the prior approval requirements of 49 U.S.C. 10903-04 to abandon its 40-mile line segment between milepost 713 at Preston, and milepost 753 at Omaha, in Webster and Stewart Counties, GA<sup>2</sup> The exemption became effective on August 24, 1996. The exemption was subject to conditions requiring that GSWR: (1) contact t@e U.S. Army Corps of Engineers, Savannah District, before commencing salvage on the line; and (2) 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.

In a letter filed December 5, 1996, GSWR states that it has complied with the section 106 process and requests that the historic preservation condition be removed. The Georgia Department of Natural Resources, Historic Preservation Division, has confirmed that GSWR satisfied its obligations under a Memorandum of Agreement to provide archival documentation. . Therefore, the Board's Section of Environmental Analysis recommends that the section 106 condition be removed .Accordingly, this proceeding will be reopened and the

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<sup>1</sup>The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (ICCTA), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Surface Transportation Board (Board). Section pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the ICCTA. This decision relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10903-04. Therefore, this decision applies the law in effect prior to the ICCTA, and citations are to the former sections of the statute, unless otherwise indicated.

<sup>2</sup>Notice of the exemption was published on July 25, 1996, at 61 FR 38800.

<sup>3</sup> The salvage condition imposed in the July **25, 1996** decision remains in effect.

previously imposed historic preservation condition will be removed.

<sup>3</sup>Accordingly, this proceeding will be reopened and the previously imposed historic preservation condition will be removed

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

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It is ordered:

1. This proceeding is reopened.

2. Upon reconsideration, the section 106 historic preservation condition imposed in the July 25, 1996 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

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