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SERVICE DATE – MAY 27, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 648X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–IN MUHLENBERG
AND OHIO COUNTIES, KY

Decided: May 26, 2005

CSX Transportation, Inc. (CSXT), filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 4.6-mile line of railroad in its Southern Region, Nashville Division, Henderson Subdivision, between Moorman (milepost OHE 118.8) and Wilson Station (milepost OHE 114.2), in Muhlenberg and Ohio Counties, KY. Notice of the exemption was served and published in the Federal Register on May 28, 2004 (69 FR 30747-48).

By decision served on June 28, 2004 (June 2004 decision), the proceeding was reopened at the request of the Board’s Section of Environmental Analysis (SEA), and the exemption was made subject to four environmental conditions.¹ One of the conditions that was imposed required CSXT to retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

By letter dated April 12, 2005, the Kentucky Heritage Council (State Historic Preservation Office, or SHPO) informed SEA that it has completed its review of the proposed abandonment. SEA states that, at the request of the SHPO, CSXT provided additional information regarding the history and construction of the Green River Bridge. Based on this information, the SHPO stated that the Green River Bridge is not eligible for inclusion in the National Register of Historic Places, and that the SHPO has no objection to the removal of the bridge. SEA also states that the SHPO has determined that the proposed abandonment will not affect historic properties. Therefore, SEA recommends that the section 106 historic preservation condition imposed in the June 2004 decision be removed.²

¹ In the June 2004 decision, the Board also issued a notice of interim trail use (NITU) and imposed a public use condition. The NITU negotiating period expired on December 26, 2004. No request to extend the negotiating period has been received. The public use condition also expired on December 26, 2004, and may not be extended.

² The other environmental conditions imposed in the June 2004 decision remain in effect.

Accordingly, the proceeding will be reopened and the previously imposed 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 June 2004 decision is removed.
3. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams
Secretary