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SERVICE DATE - MAY 22, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 578X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN CLARK COUNTY, IN

Decided: May 19, 2000

CSX Transportation, Inc. (CSXT) filed a verified notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon its line of railroad between milepost B-40.34 and milepost B-40.60, a distance of approximately .26 miles, at Charlestown, in Clark County, IN (line). Notice of the exemption was served and published in the Federal Register on April 21, 2000 (64 FR 57696). The exemption is scheduled to become effective on May 23, 2000.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on April 28, 2000. In the EA, SEA stated that the State Historical Preservation Officer had not yet completed their review of the proposed abandonment. Therefore, SEA recommended that a condition be placed on any decision granting abandonment authority, requiring the railroad to take no steps to alter the historic integrity of the right-of-way until completion of the Section 106 Process, National Historic Preservation Act, 16 U.S.C. 470f. Comments to the EA were due by May 18, 2000.

On May 15, 2000, the Indiana State Historic Preservation Officer (SHPO) advised SEA that the line is within a potentially historic district in Charlestown and requests that all salvage activities remain within areas disturbed by previous construction activities. In addition, the SHPO has expressed concern regarding CSXT's proposed abandonment and salvage activities, contending that if any archaeological artifacts or human remains are uncovered during abandonment and salvage activities, the Indiana state law (Indiana Code 14-21-1-27 and 29) requires that work must stop and the discovery must be reported to the Indiana Division of Historic Preservation and Archaeology (DHPA) within two business days. Based on the SHPO's comments, SEA recommends that (1) CSXT be required to conduct all salvage activities within the right-of way, and (2) CSXT cease salvage activities if archaeological artifacts or human remains are uncovered and report to, and consult with, the DHPA within two business days. The conditions will be imposed.

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

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1. This proceeding is reopened.
2. Upon reconsideration, the abandonment exemption of the line is subject to the conditions that CSXT (1) conduct all salvage activities within the right-of way, and (2) cease salvage activities if archaeological artifacts or human remains are uncovered and report to, and consult with, the DHPA within two business days.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary