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SERVICE DATE – AUGUST 19, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 55 (Sub-No. 707X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN HARDIN
COUNTY, OHIO

Decided: August 18, 2011

CSX Transportation, Inc. (CSXT), filed a notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments, to abandon an approximately 0.21-mile rail line on its Northern Region, Toledo Branch Subdivision, between milepost QTA 24.95 near Fontaine Street and milepost QTA 25.16 near the intersection of Fontaine Street and Champion Court, in Kenton, Hardin County, Ohio. Notice of the exemption was served and published in the Federal Register on July 20, 2011 (76 Fed. Reg. 43,374). The exemption is scheduled to become effective on August 19, 2011.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) in this proceeding on July 25, 2011. In the EA, OEA stated that CSXT submitted a historic report as required under 49 C.F.R. § 1105.8(a) and served the report on the Ohio Historical Society (SHPO), pursuant to 49 C.F.R. § 1105.8(c). OEA stated that it had not heard from the SHPO, and therefore had not been able to consider the SHPO's opinion before determining whether the line may be potentially eligible for listing in the National Register of Historic Places. Accordingly, OEA recommended that a condition be imposed requiring CSXT to retain its interest in and take no steps to alter the historic integrity of any historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed. OEA also recommended that CSXT be required to report back to OEA regarding any consultations with the SHPO and the public, and that CSXT not be allowed to consummate the abandonment or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed the Section 106 condition.

Comments to the EA were due by August 8, 2011. OEA states that, by letter received August 10, 2011, the SHPO concluded that no historic properties would be affected by the proposed abandonment. Therefore, OEA now recommends that the Section 106 historic preservation condition previously recommended in the EA not be imposed.

There are no remaining environmental or historic preservation issues that have been raised by any party or identified by OEA. Therefore, a Finding of No Significant Impact under 49 C.F.R. § 1105.10(g) will be made pursuant to 49 C.F.R. § 1011.7(a)(2)(ix).

It is ordered:

1. Abandonment of the involved rail line will have no significant effect on the quality of the human environment and conservation of energy resources or on historic resources.

2. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.