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SERVICE DATE – LATE RELEASE FEBRUARY 23, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-43 (Sub-No. 181X)

ILLINOIS CENTRAL RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN
BALLARD COUNTY, KY

Decided: February 23, 2009

Illinois Central Railroad Company (IC) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon approximately 1.66 miles of its rail line between mileposts 364.54 and 366.20, in Wickliffe, Ballard County, KY. Notice of the exemption was served and published in the Federal Register on June 17, 2008 (73 FR 34357). The exemption was scheduled to become effective on July 17, 2008.

By decision served on July 16, 2008, the Board reopened the proceeding and imposed the following environmental conditions recommended by the Board's Section of Environmental Analysis (SEA): (1) prior to commencement of any salvage activities, IC shall consult with the Natural Resources Conservation Service, District Conservationist at La Center, KY, regarding potential impacts to farmland and Wetland Reserve Program sites; (2) IC shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers; and (3)(a) IC shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the right-of-way that are eligible for listing or listed in the National Register of Historic Places (generally 50 years old or older) until the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed, (b) IC shall provide documentation of the three existing bridges on the rail line proposed for abandonment to the Kentucky Heritage Council (the State Historic Preservation Office (SHPO)), and also provide written confirmation to SEA regarding the SHPO's acceptance of the documentation, and (c) IC may not initiate any salvage activities related to abandonment (including removal of the tracks and ties) or file its consummation notice until the section 106 process has been completed and the Board has removed the condition.

As to condition (3), the historic preservation condition, SEA notes that, by letter dated December 1, 2008, the SHPO states that it has determined that the proposed abandonment would not result in adverse effects on historic properties. SEA states that it concurs with the SHPO's determination. Therefore, SEA recommends that the section 106 historic preservation condition be removed.

Accordingly, based on SEA's recommendation, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.¹

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 July 16, 2008 decision is removed.
3. This decision is effective on its service date.

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

Anne K. Quinlan
Acting Secretary

¹ Conditions (1) and (2) remain in effect.