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SERVICE DATE - AUGUST 10, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 524X)

CSX TRANSPORTATION, INC.--ABANDONMENT EXEMPTION--
IN HARLAN COUNTY, KY

Decided: August 5, 1999

CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon approximately 3.23 miles of its line of railroad between milepost WC-262.3 at Cumberland and milepost WC-265.53 at the end of CSXT ownership near Lynch, in Harlan County, KY. Notice of the exemption was served and published in the Federal Register on March 25, 1996 (61 FR 12133-34).

By decision served April 19, 1996, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to the condition that CSXT retain its interest in and take no steps to alter the historic integrity of the line in its entirety until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f. On July 26, 1999, CSXT submitted a letter from the Kentucky Heritage Council and the State Historic Preservation Officer stating that the proposed abandonment will have no effect on historic properties. Because this completes the section 106 process, SEA recommends that the historic preservation condition imposed in the April 19, 1996 decision be removed.

Accordingly, the 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.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 historic preservation condition imposed in the decision served April 19, 1996, is removed.

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3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary