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SERVICE DATE - MAY 7, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-468 (Sub-No. 4X)

PADUCAH & LOUISVILLE RAILWAY, INC.—ABANDONMENT EXEMPTION—
IN HOPKINS COUNTY, KY

Decided: May 3, 2001

Paducah & Louisville Railway, Inc. (P&L) filed a verified notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a line of railroad between milepost 154.5, near St. Charles, and milepost 159.6, near Ilsley, a distance of approximately 5.1 miles in Hopkins County, KY (line). Notice of the exemption was served and published in the Federal Register on April 6, 2001 (66 FR 18355). The exemption is scheduled to become effective on May 8, 2001.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on April 11, 2000. In the EA, SEA stated that the U.S. Fish and Wildlife Service (US FWS) and the Kentucky Historic Preservation Officer have not completed their review of the proposed abandonment. SEA recommended that (1) P&L be prohibited from salvaging or disposing of the entire right-of-way until completion of the section 7 process of the Endangered Species Act, 16 U.S.C. 1531, and (2) P&L retain its interest in the line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

On April 11, 2001, SEA received a letter from P&L enclosing a copy of correspondence which included an indication by US FWS that the abandonment is not anticipated to have “. . . significant adverse impacts to wetlands or federally listed endangered or threatened species” Accordingly, SEA now recommends that the endangered species condition not be imposed. Consistent with the SEA recommendations, the endangered species condition will not be imposed, but the historic preservation condition 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:

1. This proceeding is reopened.

2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the condition that P&L retain its interest in the line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary