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SERVICE DATE - AUGUST 10, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 561X)

CSX TRANSPORTATION, INC.--ABANDONMENT EXEMPTION--
IN CLARKE COUNTY, GA

Decided: August 4, 1999

On February 23, 1998, CSX Transportation, Inc. (CSXT) filed a petition for exemption under 49 U.S.C. 10502 to abandon a line of railroad known as the Atlanta Service Lane, Abbeville Subdivision, between milepost YYA-37.44 at East Athens and milepost YYA-39.34 at Athens, a distance of 1.9 miles in Clarke County, GA. Notice of the filing was served and published in the Federal Register on March 13, 1998 (63 FR 12577-78).

By decision served June 12, 1998 (June 12 decision), the Board granted the petition for exemption in this proceeding and imposed two environmental conditions, requiring that: (1) CSXT shall retain its interest in and take no steps to alter the historic integrity of the right-of-way of the 1.9-mile segment of branch line addressed in this proceeding until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f; and (2) because of the presence of hazardous contamination on the right-of-way, CSXT shall not engage in any salvage activities or otherwise dispose of the line until the Board is notified in writing by CSXT that it has developed, in consultation with the U.S. Environmental Protection Agency (EPA), Region 4: (a) measures approved by EPA to ensure safe salvage operations, and (b) any necessary remediation procedures, such as removing or capping portions of the right-of-way, that EPA and CSXT have agreed upon.

On July 29, 1999, CSXT submitted: (1) a copy of a memorandum of agreement (MOA), signed by all parties, testifying that the section 106 process has been completed, and (2) a letter dated July 26, 1999, from the Georgia Department of Natural Resources (GDNR), stating that an approved program to treat the hazardous sites has been submitted.¹

SEA states that CSXT has provided the necessary verification that both conditions have been completed. Therefore, SEA recommends that both of the noted conditions imposed in the June 12 decision be removed.

Accordingly, the proceeding will be reopened and the previously imposed conditions will be removed.

¹ GDNR asserts, and SEA concurs, that the Georgia Environmental Protection Division has the authority for environmental matters at this location, not EPA.

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 conditions noted above that were imposed in the decision served June 12, 1998, are removed.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary