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SERVICE DATE – NOVEMBER 2, 2010

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 55 (Sub-No. 701X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN VIGO COUNTY, IND.

Decided: October 28, 2010

By decision and notice served on August 16, 2010, the Board, under 49 U.S.C. § 10502, exempted from the prior approval requirements of 49 U.S.C. § 10903, the abandonment by CSX Transportation, Inc. (CSXT) of a 3.71-mile rail line on its Southern Region, Nashville Division, CE&D Subdivision, between milepost QST 1.42 (Park Street) and milepost QST 5.13 (Spring Hill), in Terre Haute, Vigo County, Ind. The exemption was subject to trail use, environmental, and standard employee protective conditions.

The environmental conditions required that CSXT shall: (1) consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that would disturb or destroy any geodetic station markers; and (2)(a) retain its interest in and take no steps to alter the historic integrity of all 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 completion of the Section 106 process of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470(f); (b) report to the Board's Section of Environmental Analysis (SEA)¹ regarding any consultations with the Indiana Division of Historic Preservation and Archaeology (SHPO) and the public; and (c) not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties), until completion of the Section 106 process has been completed and the Board has removed the condition.

As to condition (2), the historic preservation condition, OEA notes that, by correspondence dated September 14, 2010, the SHPO indicated that it did not identify any historic buildings, structures, districts or objects listed in or eligible for inclusion in the National Register of Historic Places within the probable Area of Potential Effect. OEA adds that the SHPO also concluded that no archaeological investigation was necessary for the proposed abandonment. OEA states that, pursuant to the Section 106 process of NHPA, 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, it has determined

¹ Effective September 1, 2010, SEA became the Office of Environmental Analysis (OEA).

that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. Therefore, OEA recommends that the Section 106 historic preservation condition be removed.²

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 August 16, 2010, decision is removed.
3. This decision is effective on its service date.

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

² Environmental condition (1) is a self-executing condition and remains in effect.