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SERVICE DATE – FEBRUARY 12, 2025

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 180X

THE LOWVILLE & BEAVER RIVER RAILROAD COMPANY—ABANDONMENT
EXEMPTION—IN LEWIS COUNTY, N.Y.

Decided: February 11, 2025

The Lowville & Beaver River Railroad Company (LBRR) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon a 10.57-mile rail line extending from milepost 0.0 in Lowville, N.Y., to milepost 10.57¹ in Croghan, N.Y. (the Line).² Notice of the exemption was served and published in the Federal Register on January 14, 2025 (90 Fed. Reg. 3272). The exemption is scheduled to become effective on February 13, 2025.

The Board's Office of Environmental Analysis (OEA) served a Draft Environmental Assessment (Draft EA) on January 17, 2025, recommending that one condition be imposed on any decision granting abandonment authority.

OEA stated that LBRR submitted a combined environmental and historic report and served the report on the New York Parks, Recreation and Historic Preservation Office (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). OEA stated that, although the SHPO had not responded directly to LBRR's historic report, on October 4, 2023, OEA received a letter from the Railway Historical Society of Northern New York (RHSNNY) stating that the Line is eligible for listing on the National Register of Historic Places (National Register). The October 4, 2023 letter included the SHPO's August 26, 2022 eligibility determination that the entire Line, including associated structures, components and infrastructure, is eligible for listing on the National Register.

¹ In its verified notice of exemption, LBRR stated that the Line terminates at milepost 10.44. (Verified Notice 2.) In a subsequent filing, LBRR clarified that the endpoint is actually milepost 10.57 in Croghan. (LBRR Suppl. 2, Sept. 27, 2023.)

² By decision served on January 22, 2024, the Board held this proceeding in abeyance and directed LBRR to (1) seek after-the-fact authority to acquire the Line; and (2) update its Environmental and Historic Report (E&H Report), serve that updated report on the parties required to receive it, and allow 20 days for responses. Mohawk, Adirondack & N. R.R.—Aban. Exemption—in Lewis & Jefferson Cntys., N.Y., AB 768X et al., slip op. at 3-4, 8 (STB served Jan. 22, 2024). In a decision served December 19, 2024, the Board found that LBRR had complied with the Board's directives and removed this proceeding from abeyance.

OEA stated that it was continuing to consult with the SHPO under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108. Because the Section 106 process was ongoing, OEA recommended a condition requiring the railroad to 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 until the Section 106 process of the NHPA has been completed and the Board has removed this condition.

OEA issued its Final Environmental Assessment (Final EA) on February 7, 2025, indicating that no new comments were received and that OEA continues to recommend that the condition recommended in the Draft EA be imposed. Based on OEA's analysis and recommendation, the condition recommended in the Final EA will be imposed.

This decision, and the proposed abandonment if implemented as conditioned, 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. The notice served and published in the Federal Register on January 14, 2025, exempting the abandonment of the Line described above is subject to the condition that LBRR shall 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 Area of Potential Effect that are eligible for listing or listed in the National Register until the Section 106 process of the NHPA has been completed. LBRR shall report back to OEA regarding any consultations with the SHPO and the public. LBRR may not file its consummation notice until the Section 106 process has been completed and the Board has removed this condition.³
3. This decision is effective on its service date.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

³ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with the condition in ordering paragraph 2 is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.