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SERVICE DATE – FEBRUARY 19, 2025

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 55 (Sub-No. 816X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN PIKE COUNTY,
KY.

Decided: February 18, 2025

CSX Transportation, Inc. (CSXT), filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon an approximately 5.1-mile rail line that runs between milepost CML 9.0 and milepost CML 14.1, Louisville Division, Winns Branch-Big Sandy Subdivision, in Pike County, Ky. (the Line). Notice of the exemption was served and published in the Federal Register on July 31, 2024 (89 Fed. Reg. 61,574). The exemption became effective on August 30, 2024.

By decision served August 28, 2024, the Board imposed, as recommended by the Board's Office of Environmental Analysis (OEA), a number of conditions, including an historic preservation condition pursuant to Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108 (Section 106 condition).

In a Supplemental Final Environmental Assessment served on October 11, 2024, OEA states that, on September 19, 2024, the Kentucky State Historic Preservation Office (SHPO) submitted comments stating that a determination of “no historic properties affected” would be appropriate for the proposed abandonment. Accordingly, pursuant to the Section 106 regulations of the NHPA at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, OEA has determined that CSXT's proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register and that the Board has satisfied its responsibilities under Section 106 of the NHPA. As a result, OEA recommends that the previously imposed Section 106 condition be removed.

In its comment, SHPO also requested that if human remains are discovered, work should cease immediately and the county coroner and SHPO should be contacted. To address SHPO's concerns, OEA recommends that an unanticipated discovery condition be imposed on the grant of abandonment authority.

Based on OEA's analysis and consistent with its recommendation, this proceeding will be reopened, the previously imposed Section 106 condition will be removed, and the recommended unanticipated discoveries condition will be imposed.

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 Section 106 condition is removed.
3. The exemption of the abandonment of the line described above is subject to the condition that, in the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during abandonment-related salvage activities, CSXT shall immediately cease all work and notify OEA, interested federally recognized tribes, and the SHPO pursuant to 36 C.F.R. § 800.13(b). OEA will then consult with the SHPO, interested federally recognized tribes, the railroad, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.¹
4. This decision is effective on its service date.

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

¹ 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 this condition is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.