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SERVICE DATE – APRIL 24, 2025

SURFACE TRANSPORTATION BOARD

CORRECTED DECISION*

Docket No. AB 180X

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

Decided: April 24, 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). Notice of the exemption was served and published in the Federal Register on January 14, 2025 (90 Fed. Reg. 3272). The exemption became effective on February 13, 2025.

By decision served February 12, 2025, the Board imposed, as recommended by the Board's Office of Environmental Analysis (OEA), 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 April 7, 2025, OEA states that, on March 25, 2025, the New York State Parks, Recreation, and Historic Preservation Office (SHPO) submitted comments stating that the proposed abandonment would have no adverse effect on historic properties. 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 LBRR's proposed abandonment would have no effect on historic properties listed in or eligible for inclusion in the National Register of Historic Places. As a result, OEA recommends that the previously imposed Section 106 condition be removed.

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

* This decision corrects the decision served on April 22, 2025, by removing a statement incorrectly attributed to the SHPO that the Line is not eligible for listing in the National Register of Historic Places. The decision remains unchanged in all other respects.

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.)

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. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.