

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-1033X

MURRAY-CALLOWAY ECONOMIC DEVELOPMENT CORPORATION—
ABANDONMENT EXEMPTION—IN MARSHALL AND CALLOWAY COUNTIES, KY

Decided: May 20, 2009

Murray-Calloway Economic Development Corporation (EDC) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 7.34-mile line of railroad, between milepost 30, near Hardin, Marshall County, KY, and milepost 37.34, near Murray, Calloway County, KY. Notice of the exemption was served and published in the Federal Register on April 22, 2009 (74 FR 18434-35). The exemption is scheduled to become effective on May 22, 2009.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on April 27, 2009. In the EA, SEA states that the National Geodetic Survey (NGS) has identified three geodetic station markers that may be affected by the proposed abandonment. Therefore, SEA recommends a condition requiring EDC to consult with NGS and notify NGS at least 90 days prior to beginning any salvage activities that could disturb or destroy any geodetic station markers.

SEA also states in the EA that the United States Army Corps of Engineers (Corps) has not submitted any comments regarding the proposed abandonment. Therefore, SEA recommends that, prior to commencement of any salvage activities, EDC shall: (1) consult with the Corps regarding its requirements; (2) if applicable, comply with the reasonable requirements of the Corps; and (3) report the results of these consultations in writing to SEA.

Finally, SEA states in the EA that EDC submitted a historic report to the Kentucky Heritage Council (SHPO). In the report, EDC states that there are approximately 20 historic bridges on the line. However, SHPO has not submitted comments on the proposed abandonment. Therefore, SEA recommends that EDC shall: (1) 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 right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places (National Register) until the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (section 106 process), has been completed; (2) report back to SEA regarding any consultations with SHPO and the public; and (3) not file its consummation notice or initiate any salvage activities related to abandonment (including removal of track and ties) until the section 106 process has been completed and the Board has removed this condition.

Comments to the EA were due by May 12, 2009. No comments were received. Accordingly, the conditions recommended by SEA in the EA will be imposed.

As conditioned, 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 exemption of the abandonment of the rail line described above, and covered by the notice served and published in the Federal Register on April 22, 2009, is subject to the conditions that EDC shall: (1) consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers; (2) prior to commencement of any salvage activities, (a) consult with the Corps regarding its requirements; (b) if applicable, comply with the reasonable requirements of the Corps; and (c) report the results of these consultations in writing to SEA; and (3) (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 right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register until the section 106 process has been completed; (b) report back to SEA regarding any consultations with the 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 the section 106 process has been completed and the Board has removed this condition.
3. This decision is effective on its service date.

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

Anne K. Quinlan
Acting Secretary