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SERVICE DATE – LATE RELEASE JULY 16, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-43 (Sub-No. 181X)

ILLINOIS CENTRAL RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN
BALLARD COUNTY, KY

Decided: July 16, 2008

Illinois Central Railroad Company (IC) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon approximately 1.66 miles of its rail line between mileposts 364.54 and 366.20, in Wickliffe, Ballard County, KY. Notice of the exemption was served and published in the Federal Register on June 17, 2008 (73 FR 34357). The exemption is scheduled to become effective on July 17, 2008.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on June 20, 2008. In the EA, SEA indicated that the Natural Resources Conservation Service (NRCS) stated that, if farmland needs to be converted to non-farm uses, the local NRCS office should be notified. NRCS also noted that there are two Wetland Reserve Program (WRP) sites located near the line proposed for abandonment. Although NRCS does not anticipate that abandonment would have an adverse impact on these sites, it points out that access across WRP sites is prohibited without prior written authorization. In response, SEA recommended that a condition be imposed requiring IC to address potential impacts to prime farmland and WRP sites.

SEA also stated that the U.S. Fish and Wildlife Service (USFWS) had not responded to IC's environmental report when the EA was prepared. SEA further stated that it provided USFWS with a copy of the EA for review and comment.

According to SEA, the National Geodetic Survey (NGS) has advised that two geodetic station markers have been identified that may be affected by the proposed abandonment. SEA therefore recommended that a condition be imposed requiring IC to consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy the geodetic station markers.

Finally, SEA stated that IC submitted a historic report as required by the Board's rules at 49 CFR 1105.8(a) and served a copy of the report on the Kentucky Heritage Council (the State Historic Preservation Office or SHPO) pursuant to 49 CFR 1105.8(c). According to SEA, in a reply dated November 21, 2007, the SHPO stated that all three bridges located on the line are potentially eligible for listing in the National Register of Historic Places under Criterion A (i.e., for association with the development of the railroad in Kentucky). SEA added that the SHPO

requested additional information from the railroad on how the proposed abandonment would impact the bridges, IC informed the SHPO of its plans to remove the three bridges during the salvaging process, and, by reply filed on May 12, 2008, the SHPO concluded that the proposed abandonment would have no adverse effect on historic resources provided all of the bridges are recorded on Kentucky Historic Resource Inventory forms, and provided the survey forms along with requisite maps and photographic documentation are submitted to the SHPO. SEA therefore recommended that a condition be imposed requiring IC to address the SHPO's stipulation.¹

Comments to the EA were due by July 7, 2008. No comments were received. Accordingly, the conditions recommended by SEA in the EA will be imposed. Based on SEA's recommendation, 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. Upon reconsideration, the notice served and published in the Federal Register on June 17, 2008, exempting the abandonment of the line described above is subject to the conditions that: (1) prior to commencement of any salvage activities, IC shall consult with NRCS, District Conservationist at La Center, KY, regarding potential impacts to farmland and Wetland Reserve Program sites; (2) IC shall consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers; and (3)(a) IC shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the right-of-way that are eligible for listing or listed in the National Register of Historic Places (generally 50 years old or older) until the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed, (b) IC shall provide documentation of the three existing bridges on the rail line proposed for abandonment to the SHPO, and also provide written confirmation to SEA regarding the SHPO's acceptance of the documentation, and (c) IC may not initiate any salvage activities related to abandonment (including removal of the tracks and ties) or file its consummation notice until the section 106 process has been completed and the Board has removed the condition.

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Anne K. Quinlan
Acting Secretary

¹ SEA indicated that it sent a copy of the EA for review and comment to the Peoria Tribe of Indians of Oklahoma, which may have ancestral connections to the project area.