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SERVICE DATE – NOVEMBER 5, 2024

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1332X

ATHENS TRANSPORTATION PARTNERS, LLC—ABANDONMENT EXEMPTION—
IN CLARKE COUNTY, GA.

Decided: November 5, 2024

Athens Transportation Partners, LLC (ATP), filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon approximately 6.5-miles of rail line extending from the northern end of the Oconee River trestle bridge in Athens-Clarke County at approximate milepost F-MP 98.8 (33°52'30.49"N, 83°21'28.11"W) to approximate milepost F-MP 105.3 (33°57'30.23"N, 83°22'14.95"W) in the north near East Broad Street in Athens, Clarke County, Ga. (the Line). Notice of the exemption was served and published in the Federal Register on May 13, 2024 (89 Fed. Reg. 41,483). The exemption became effective on June 12, 2024.

By decision served June 11, 2024, the Board imposed, as recommended by the Board's Office of Environmental Analysis (OEA), a 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 24, 2024, OEA states that, on June 10, 2024, the Cherokee Nation submitted a late-filed comment stating that it had conducted a search to determine the potential presence of ancestral cultural, historic, and pre-historic resources in the project area and determined that the proposed abandonment would have no impact on its resources. OEA further states that on October 22, 2024, OEA, ATP, and the Georgia Department of Community Affairs, Historic Preservation Division (State Historic Preservation Office or SHPO), executed a Memorandum of Agreement (MOA), pursuant to NHPA's implementing regulations at 36 C.F.R. § 800.6(b)(i)(vi). The MOA requires ATP to prepare a Photographic Permanent Archival Record of the Line and produce interpretive signage. The MOA also requires ATP to immediately stop all abandonment-related salvage activities if items of cultural significance are discovered and requires the parties to consult and ATP to implement a discovery plan, if necessary. According to OEA, the filing of the MOA with the Advisory Council on Historic Preservation and the execution of its terms completes the Board's compliance responsibilities under Section 106 of NHPA. As a result, OEA recommends that the Board remove the Section 106 condition.

Consistent with OEA's recommendation, this proceeding will be reopened, and the previously imposed Section 106 condition will be removed.

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 imposed in the June 11, 2024 decision is removed.
3. This decision is effective on its service date.

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