



E1-18465

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VIA ELECTRONIC FILING

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

January 20, 2011

Re: Western Kentucky Railway, LLC
- Exempt Abandonment -
Webster, Union, Caldwell and Crittenden Counties, Kentucky
STB Docket No. AB-449 (Sub-No. 3X)
Third Supplement to Environmental and Historic Report

Dear Ms. Brown:

The Applicant has received an additional response to its consultations with agencies referenced in the Environmental and Historic Report originally filed in this proceeding on December 6, 2010:

- (1) A second letter dated January 3, 2011, from the Kentucky SHPO indicating that the proposed abandonment will have no adverse effect of historic properties so long as no ground disturbance is planned.

A copy of this letter was previously forwarded to the Section of Environmental Analysis.

As noted in its consultation letters with agencies and in the Environmental and Historic Report, Applicant intends to salvage the track materials such as rails and ties, but will leave the roadbed, bridges and culverts intact. The salvage work that Applicant proposes will be surface work only. Applicant hereby confirms that it will require any salvage contractor to comply with all applicable federal, state and local laws and regulations pertaining to the environment in conducting any salvage of the line, and that any such contractor will be required to agree not to disturb subsurface resources, or use heavy machinery that would create additional ground disturbance.

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One Commerce Square
2005 Market Street
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215 640 8500
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Cynthia T. Brown
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January 20, 2011

Please let us know if you need any additional information.

Respectfully,

A handwritten signature in black ink, appearing to read "Eric M. Hocky", is written over the typed name.

Eric M. Hocky

EMH/e

Enclosures

cc: WKRL (by email; w/encl.)
All parties on service list for the Notice of Exemption



STEVEN L. BESHEAR
GOVERNOR

**TOURISM, ARTS AND HERITAGE CABINET
KENTUCKY HERITAGE COUNCIL**

MARCHETA SPARROW
SECRETARY

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300 WASHINGTON STREET
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PHONE (502) 564-7005
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MARK DENNEN
EXECUTIVE DIRECTOR AND
STATE HISTORIC PRESERVATION OFFICER

January 3, 2011

Eric M. Hocky
Thorp Reed & Armstrong, LLP
One Commerce Square
2005 Market St., Suite 1000
Philadelphia, PA 19103-7041

**Re: Western Kentucky Railway LLC Abandonment in Webster, Union, Caldwell, and
Crittenden Counties, KY STB Docket No. AB-449 (Sub. No. 3X)**

Dear Mr. Hocky:

The State Historic Preservation Office has received for review and comment the environmental/historic report for the above referenced project. According to your submission, notice of this abandonment was submitted to our office but a response was not received.

Our original notice of this abandonment was received on June 10, 2010. We responded in a letter addressed to Carol Lydon of your office on July 7, 2010. This letter is included in Exhibit B of your document. Please update Section 7 of your Historic Report to reflect that a response was received from our office.

Attachment F of this report identified only three structures over 50 years of age near the abandonment lines. These included an old mine and its buildings in Clay which are near the track, a bridge located at Blackford, and the former locomotive shop in Clay, all located along Line 2 (between MP 0.0 at Blackford and MP 3.8 at Pyro Wye, and between MP 3.8 and 8.5 at Clay.

Based on the photographs provided, the mine buildings and the locomotive shop and associated tank structure do not appear to be eligible for listing in the National Register of Historic Places. We do not have enough information to determine whether the bridge is eligible for listing. However, we maintain our original position that the undertaking will have **No Adverse Effect** on historic properties so long as no subsurface disturbance is planned in the removal of remaining track, salvage does not require the use of heavy machinery that creates additional ground disturbance, and the bridge is left in place as was indicated in the original submission.

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Eric M. Hocky
1/3/2011

If any of these conditions have changed since we were originally contacted, or if previously unidentified historic resources over 50 years of age are discovered in the course of work that results from the abandonment, additional consultation under Section 106 of the National Historic Preservation Act will be required. Questions regarding these comments can be directed to Jill McNutt of my staff at (502) 564-7005; extension 121.

Sincerely,



Mark Dennen
Executive Director and
State Historic Preservation Officer

MD:jm