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SERVICE DATE – JUNE 15, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-868 (Sub-No. 1X)

MISSISSIPPI TENNESSEE HOLDINGS, LLC—ABANDONMENT EXEMPTION—IN
HARDEMAN COUNTY, TN AND TIPPAAH AND UNION COUNTIES, MS

Decided: June 12, 2009

Mississippi Tennessee Holdings, LLC (MTH) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon: (1) an approximately 19.55-mile rail line extending between approximately milepost 367.65 in Middleton, Hardeman County, TN, and milepost 348.1 in Ripley, Tippah County, MS, and (2) an approximately 1.36-mile rail line between milepost 325.56 in New Albany, Union County, MS, and milepost 324.2 in Union County, MS (Union County line), a total distance of approximately 20.91 miles. Notice of the exemption was served and published in the Federal Register on September 28, 2006 (71 FR 57020-21), as corrected in a decision served on March 20, 2007.¹ By decision and notice of interim trail use or abandonment (NITU) served on June 25, 2008, the proceeding was reopened and a 180-day period was authorized for GM&O Rails-to-Trails Recreational District of North Mississippi (GM&O), to negotiate an interim trail use/rail banking agreement with MTH for the Union County line. By decision served on December 10, 2008, the NITU negotiating period was extended until June 20, 2009, for a .03-mile segment of that line, between milepost 325.56 and milepost 325.53.²

On May 28, 2009, GM&O requested an extension of the negotiating period for the 0.3-mile segment of the Union County line until December 17, 2009. GM&O states the requested extension is necessitated because GM&O and the owner of the rail line, MTH, have not yet concluded an agreement for rail banking and interim recreational trail use of that segment

¹ In STB Docket No. AB-869 (Sub-No. 1X), Mississippi Tennessee Railroad, LLC—Discontinuance of Service Exemption—in Hardeman County, TN and Tippah and Union Counties, MS, Mississippi Tennessee Railroad, LLC (MTRR) filed a notice of exemption under 40 CFR 1152 Subpart F—Exempt Abandonments and Discontinuances of Service for MTRR to discontinue service over the same lines described above. Notice of the exemption was served and published and later corrected along with MTH's notice. On June 15, 2007, MTH and MTRR filed a notice stating that MTH had consummated abandonment and MTRR had consummated discontinuance of rail service over the 19.55-mile line originating in Tennessee.

² On November 17, 2008, GM&O filed a letter stating that a rail banking and interim recreational trail use agreement had been reached between MTH and GM&O for the portion of the right-of-way segment between milepost 325.53 and milepost 324.2.

of right-of-way. GM&O also indicates that it is authorized to state that MTH concurs in the extension request.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.³ An extension of time will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the NITU negotiating period will be extended until December 17, 2009.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. GM&O's request to extend the NITU negotiating period for the .03-mile portion of the Union County line, between milepost 325.56 and milepost 325.53, is granted.
2. The negotiating period for that portion of the right-of-way is extended until December 17, 2009.
3. This decision is effective on its service date.

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

Anne K. Quinlan
Acting Secretary

³ See Rail Abandonments–Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).