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SERVICE DATE - NOVEMBER 29, 1999

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-560 (Sub-No. 1X)

ABERDEEN & ROCKFISH RAILROAD COMPANY D/B/A DUNN-ERWIN RAILWAY--
ABANDONMENT AND DISCONTINUANCE EXEMPTION--IN HARNETT COUNTY, NC

Decided: November 23, 1999

By decision and notice of interim trail use or abandonment (NITU) served July 2, 1999,¹ Aberdeen & Rockfish Railroad Company d/b/a Dunn-Erwin Railway (DER) was granted an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a line of railroad that it owns and discontinue service over a line of railroad that it leases from CSX Transportation, Inc. (CSXT), in Harnett County, NC. The NITU also authorized the Sandhills Area Land Trust (SALT) to negotiate an interim trail use/rail banking agreement, under the National Trails System Act, 16 U.S.C. 1247(d), with DER only for the line to be abandoned.² The line to be abandoned is approximately 5.488 miles long and extends from milepost SDS 53.00 near Erwin to milepost SDS 56.66 at Dunn, and from milepost SDE 0.00 near Erwin to milepost SDE 2.02 at Erwin.³

On November 15, 1999, SALT and North Carolina Rail-Trails, Inc. (NCRT), jointly filed a request, pursuant to 49 CFR 1152.29, for NCRT's substitution as interim trail use applicant in lieu of SALT. NCRT has filed a statement of willingness to assume financial responsibility that conforms to the requirements for implementing 16 U.S.C. 1247(d), as set forth in 49 CFR 1152.29. NCRT and SALT request that the effective date of the transfer and substitution be November 30, 1999.

SALT and NCRT have made the required showing under 49 CFR 1152.29(f) for the substitution of interim trail user. Accordingly, the request will be granted.

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

¹ Notice of the filing was served and published in the Federal Register on April 2, 1999 (64 FR 16022).

² The exemption to discontinue service between milepost SDS 56.66 and milepost SDS 57.01 became effective on August 1, 1999.

³ According to the milepost designations, the line should be 5.68 miles long. It is actually slightly shorter because, according to DER, the mileposts are not accurately placed.

It is ordered:

1. The decision and notice of interim trail use served July 2, 1999, is modified to reflect the fact that NCRT is authorized to negotiate an interim trail use/rail banking agreement with DER.

2. This decision is effective on its service date.

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

Vernon A. Williams
Secretary