

SERVICE DATE – JANUARY 16, 2004

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-318 (Sub-No. 4X)

LOUISIANA & DELTA RAILROAD, INC.–ABANDONMENT
EXEMPTION–IN LAFOURCHE AND ASSUMPTION PARISHES, LA

Decided: January 15, 2004

By decision served August 26, 1997, Louisiana & Delta Railroad, Inc. (L&D) 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 known as the Napoleonville Branch, extending from milepost 1.0 near Thibodaux, Lafourche Parish, LA, to milepost 15.28 near Supreme, Assumption Parish, LA, a distance of 14.28 miles. The abandonment was made subject to employee protective, public use,¹ and environmental conditions. By decision and notice of interim trail use or abandonment (NITU) served on October 24, 1997, the Board reopened the proceeding and granted to American Trails Association, Inc. (ATA), a 180-day period to negotiate an interim trail use/rail banking agreement with L&D for the right-of-way. On that same date, the Board was advised by letter that L&D and ATA had successfully negotiated an agreement for the transfer of the right-of-way.

On November 5, 2003, ATA and Bayou Land Properties (Bayou) jointly filed a petition requesting the Board to: (1) vacate the existing NITU for that portion of the right-of-way between milepost 1.0 near Thibodaux and milepost 5.7 near Leighton, and (2) issue an appropriate replacement NITU substituting Bayou in lieu of ATA as the interim trail manager for that portion of the line. Petitioners had submitted a copy of the extant NITU and a statement of willingness to assume financial responsibility by the new trail manager. By decision served November 20, 2003, the relief sought was granted.

On January 6, 2004, Bayou filed a notice of intent to terminate trail use for the right of the right-of-way between milepost 1.0 near Thibodaux and milepost 5.7 near Leighton. Bayou requests that the NITU be vacated with respect to the described line segment as of January 15, 2004.

Bayou has complied with the requirements of 49 CFR 1152.29(d)(2) regarding its request to vacate the NITU. Thus, L&D may fully abandon the line between milepost 1.0 near Thibodaux and

¹ The public use condition expired on March 24, 1998.

milepost 5.7 near Leighton, a distance of 4.7 miles in Lafourche Parish, LA, subject to the environmental conditions that were imposed.

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

It is ordered:

1. This proceeding is reopened.
2. The NITU served October 24, 1997, is vacated with respect to the line segment between milepost 1.0 near Thibodaux and milepost 5.7 near Leighton, a distance of 4.7 miles in Lafourche Parish, LA.² L&D may fully abandon this line segment, provided that it has complied with the measures prescribed in the October 24, 1997 decision to address environmental conditions.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary

² The line segment between milepost 5.7 and milepost 15.28 remains subject to trail use/rail banking.