

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-564

CAMAS PRAIRIE RAILNET, INC.—ABANDONMENT—IN LEWIS, NEZ PERCE,
AND IDAHO COUNTIES, ID
(BETWEEN SPALDING AND GRANGEVILLE, ID)

Decided: September 11, 2003

By decision and certificate of interim trail use or abandonment (CITU) served on September 13, 2000, Camas Prairie RailNet, Inc. (CSPR) was granted authority under 49 U.S.C. 10903 to abandon a line of railroad known as the Grangeville Line, or Second Subdivision, extending from milepost 0.00 near Spalding, ID, to milepost 66.8 (end of track) near Grangeville, ID, a distance of 66.8 miles, in Lewis, Nez Perce, and Idaho Counties, ID. Also, the Nez Perce Tribal Executive Committee was granted a 180-day period to negotiate an interim trail use/rail banking agreement with CSPR for the right-of-way. The abandonment was made subject to employee protective, trail use, public use,¹ historic, and environmental conditions.²

The 180-day negotiating period under the CITU was scheduled to expire on March 12, 2001. By a decision served on that date, the negotiating period was extended to June 10, 2001. By a decision served on May 15, 2001, a second CITU was issued, authorizing the Camas Prairie Trail Conservancy (the Conservancy) to negotiate with CSPR and to serve as a trail user. On December 17, 2002, CSPR, the Conservancy, and BG & CM Railroad, Inc. (BG & CM), jointly filed a petition requesting the Board to vacate the existing CITU and issue an appropriate replacement CITU substituting BG & CM in lieu of the Conservancy as the interim trail manager. Petitioners' request was granted by a third CITU served on January 6, 2003.³

The September 13, 2000 decision stated that, if consummation of the abandonment had not been effected by CSPR's filing of a notice of consummation by September 13, 2001, and there were no legal barriers to consummation, the authority to abandon would automatically expire. However, under 49 CFR 1152.29(e)(2), a railroad may, for good cause, request an

¹ The public use condition expired on April 11, 2001.

² A decision was served in this proceeding on September 6, 2002, removing a number of the environmental conditions, adding one new condition, and noting that salvage may begin once CSPR has satisfied the remaining self-executing consultation conditions.

³ The parties subsequently reached a trail use/rail banking agreement.

extension of time to file a notice of consummation in abandonment proceedings. C SPR filed requests to extend, first to September 13, 2002, and then to September 13, 2003, the time to consummate the abandonment, which requests were granted by decisions served, respectively, on October 4, 2001, and September 13, 2002.

On September 5, 2003, C SPR and BG & CM⁴ filed a third request to extend for an additional 5 months, until February 13, 2004, the time to consummate the abandonment and to file a notice of consummation. The parties state that they want to make sure that C SPR's abandonment authority does not lapse, potentially jeopardizing C SPR's retained property rights and resurrecting C SPR's common carrier obligation.

The parties have shown good cause to extend the time to consummate the abandonment and file a notice of consummation in this proceeding. Accordingly, the request will be granted.

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

It is ordered:

1. The request for a 5-month extension of time to exercise the abandonment authority for the above-described line is granted.
2. The authority to abandon is scheduled to expire on February 13, 2004.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary

⁴ On December 18, 2002, C SPR transferred ownership of the subject track and right-of-way to BG & CM. For that reason, both parties seek this extension out of an abundance of caution.