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SERVICE DATE - FEBRUARY 13, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 554X)

CSX TRANSPORTATION, INC.--ABANDONMENT EXEMPTION--  
IN JASPER COUNTY, SC AND CHATHAM COUNTY, GA

Decided: February 10, 1998

CSX Transportation (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon approximately 14.20 miles of its line of railroad from milepost SHC-497.59, near South Hardeeville, SC, to milepost SHC-505.05, and from milepost SH-505.05 to milepost SH-510.06, at North Savannah, GA, and the Hutchison Island Spur from milepost SHB-509.93 to milepost SHB-511.66, in Jasper County, SC, and Chatham County, GA. Notice of the exemption was served and published in the Federal Register on November 24, 1997 (62 FR 32668). By decision served December 23, 1997, the exemption was made subject to the conditions that CSXT consult with the Savannah District and the Charleston District of the U.S. Army Corps of Engineers prior to commencing any salvage operations involving the Broad River Bridge and retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way in Georgia that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

By petition filed January 12, 1998, and amended on February 5, 1998, the Jasper County Council (JCC), a political subdivision, late-filed a request for the issuance of a notice of interim trail use (NITU), under the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act), and for a public use condition under 49 U.S.C. 10905, in order to negotiate with CSXT for the portion of the right-of-way from milepost SHC-497.59, near South Hardeeville, to milepost SHC-510.6, near the Georgia state line, a distance of 12.47 miles in Jasper County, SC.<sup>1</sup> Also on January 26, 1998, the United States Department of the Interior late-filed a request for a public use condition on the right-of-way.

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<sup>1</sup> The November 24, 1997 notice stated that requests for trail use/rail banking had to be filed by December 4, 1997, and that requests for public use condition had to be filed by December 15, 1997.

The January 12, 1998 filing requested that the NITU be issued for 7.46 miles of railroad from milepost SHC-497.59, near South Hardeeville, to milepost SHC-505.05, near the Georgia state line. However, JCC amended the request on February 5, 1998, stating that CSXT had informed it of the actual mileage and mileposts.

On January 26, 1998, CSXT informed the Board that it had consummated abandonment of the 14.20-mile line of railroad effective January 10, 1998. Consummation of the abandonment ended the Board's jurisdiction over the line. Therefore, the Board no longer has jurisdiction to impose a NITU or a public use condition.<sup>2</sup>

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

It is ordered:

1. The requests for issuance of a notice of interim trail use/rail banking and for issuance of a public use condition are denied.
2. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary

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<sup>2</sup> It should be noted that, while the Board lost jurisdiction over the line when it was abandoned, CSXT has, by letter filed February 6, 1998, expressed willingness to negotiate with JCC for possible use of the right-of-way for a trail. The parties are of course free to come to some agreement outside the Board's jurisdiction.