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SERVICE DATE - SEPTEMBER 2, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-297 (Sub-No. 101X)

COLUMBUS AND GREENVILLE RAILWAY COMPANY--ABANDONMENT  
EXEMPTION--IN BOLIVAR AND WASHINGTON COUNTIES, MS

Decided: September 1, 1999

Columbus and Greenville Railway Company (C&G) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon 49.14 miles of rail line between milepost 109.3 near the City of Cleveland and milepost 158.44 near the City of Hollandale, in Bolivar and Washington Counties, MS. Notice of the exemption was served and published in the Federal Register on February 4, 1999 (64 FR 5701). On March 5, 1999, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for C&G to negotiate an agreement with: (1) the City of Cleveland (Cleveland) for a portion of the right-of-way between milepost 113 + 1700 and milepost 113 + 1850, between Hollandale and Cleveland; (2) the City of Hollandale (Hollandale) for a portion of the right-of-way between milepost 140.1 in Leland and milepost 158.44 in Hollandale, a distance of 18.3 miles in Washington County, MS; and (3) the City of Shaw (Shaw) for a portion of the right-of-way from approximately milepost 123 near the north end of Shaw to approximately milepost 126 near the south end of Shaw a distance of approximately 3 miles in Bolivar County, MS.<sup>1</sup> By decision served March 19, 1999, a decision and notice of interim trail use and abandonment was served authorizing a 180-day period for the Town of Boyle to negotiate with C&G for interim trail use for portion of the right-of-way from 3,432 feet north of milepost 116 to milepost 117 in Boyle, Bolivar County, MS. By decision served May 11, 1999, the proceeding was reopened and the decision and notice of interim trail use and public use condition was vacated with respect to the line segments between milepost 140.1 and milepost 155.5 and between milepost 157.1 and milepost 158.44. Negotiation opportunities under the NITU between Hollandale and C&G were thus preserved for the portion of the right-of-way between milepost 155.5 and milepost 157. The 180-day trail use negotiation period is scheduled to expire on September 2, 1999.

On August 30, 1999, C&G filed a request for an additional 30-day extension of the negotiation period. C&G states that it has reached agreements with Cleveland and Boyle to purchase and acquire title to part or all of the right-of-way within their corporate limits, but that closing cannot be completed by September 2, 1999. C&G states that it is also continuing

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<sup>1</sup> The March 5 decision also imposed a 180-day public use condition requiring C&G to leave the right-of-way intact, including bridges, culverts and tunnels and similar structures, for a period of 180 days from the March 6, 1999 effective date. The 180-day period for the public use condition is scheduled to expire on September 2, 1999, and may not be extended.

negotiations with Shaw and Hollandale. C&G expresses confidence that these negotiations will also be successful, but indicates that the sales cannot be closed prior to September 2, 1999.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.<sup>2</sup> Under the circumstances, an extension is warranted and 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 negotiation period for the portions of the line as discussed above will be extended for an additional 30 days from September 2, 1999.

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

It is ordered:

1. C&G's request to extend the NITU negotiating period is granted.
2. The NITU negotiating period is extended until October 2, 1999.
3. The 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> See Rail Abandonments - Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).