

43633  
DO

SERVICE DATE – FEBRUARY 7, 2014

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1087 (Sub-No. 2X)

GRENADA RAILWAY LLC—ABANDONMENT EXEMPTION—IN YALOBUSHA  
COUNTY, MISS.

Decided: February 7, 2014

On January 2, 2014, Grenada Railway LLC (GRYR) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F – Exempt Abandonments to abandon its Water Valley Branch railroad line between milepost 604.0 at Water Valley Junction and milepost 614.42 at Bruce Junction, a distance of 10.42 miles in Yalobusha County, Miss. (the Line). Notice of the proposed abandonment was served and published in the Federal Register on January 22, 2014 (79 Fed. Reg. 3,663). In that notice, the Board stated the exemption would be effective on February 21, 2014, unless stayed pending reconsideration.<sup>1</sup> On January 27, 2014, the Board’s Office of Environmental Assessment (OEA) issued an environmental assessment (EA) regarding the proposed abandonment and set a deadline of February 10, 2014, for public comments on the EA.

On January 31, 2014, the Mississippi Transportation Commission (the Commission), an agency of three elected members in which the State of Mississippi has vested oversight of its transportation resources and operations, filed a letter stating that it would like to explore all alternatives to the proposed abandonment, including working with the Mississippi Legislature and others.<sup>2</sup> To provide the time necessary for a legislative solution, the Commission requests that the Board defer the due date for filing protests or petitions until April 28, 2014.<sup>3</sup> Also on January 31, 2014, GRYR filed a letter in response to the Commission’s request. GRYR states

---

<sup>1</sup> The Board’s notice also provided that petitions to stay that do not involve environmental issues, formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2), and trail use/rail banking requests under 49 C.F.R. § 1152.29 must be filed by February 3, 2014, and that petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by February 11, 2014.

<sup>2</sup> Commission Letter 1, Jan. 31, 2014.

<sup>3</sup> Id.

that it would prefer not to seek Board abandonment authority and that “it is pleased to learn that the Commission would like to explore all alternatives to the proposed abandonment, including working with the Mississippi Legislature,”<sup>4</sup> and that “GRYR agrees to the postponement request.”<sup>5</sup>

The Board favors the private resolution of disputes whenever possible. Here the parties have agreed to a proposed modification of the procedural schedule similar to that requested in Docket No. AB 1087 (Sub-No. 1X) to facilitate a possible alternative to abandonment of the Line. In accordance with the parties’ agreement and apparent desire that both cases proceed on similar schedules, the Board will modify the procedural schedule as follows:

- all petitions for stays or reopening, requests for interim trail use/rail banking under 49 C.F.R. § 1152.27(c)(2), requests for public use conditions under 49 C.F.R. § 1152.29, and comments regarding the Board’s EA will now be due on April 28, 2014.
- OFAs under 49 C.F.R. § 1152.27(b)(2) will be due on July 11, 2014, or no later than 10 days after the Board issues a decision granting GRYR’s pending petition for abandonment in Docket No. AB 1087 (Sub-No. 1X), whichever is later.<sup>6</sup>

---

<sup>4</sup> GRYR Letter 1, Jan. 31, 2014.

<sup>5</sup> Id. In Grenada Railway LLC—Abandonment Exemption—in Montgomery, Carroll, Holmes, Yazoo, & Madison Counties, Miss., Docket No. AB 1087 (Sub-No. 1X), GRYR has sought an exemption to abandon the southern segment of its line of railroad between milepost 626.1 near Elliott, Miss., and milepost 703.8 near Canton, Miss. The Commission recently requested a similar extension of the procedural schedule in that case for the same reason, and GRYR agreed. Accordingly, the Board served a decision in that docket on January 24, 2014, providing that replies to GRYR’s petition will be due on April 28, 2014, that the Board intends to issue a decision in that docket by July 3, 2014, and that any offer of financial assistance (OFA) under 49 C.F.R. § 1152.27(b)(2) will be due no later than 10 days after the service date of a decision granting the petition for exemption. On December 27, 2013, Robert Riley filed in that docket a motion to reject GRYR’s petition for abandonment; that motion will be addressed in a separate Board decision.

<sup>6</sup> Each OFA must be accompanied by the filing fee of \$1,600. Because the Board is extending, at the parties’ request, the typical expedited schedule associated with the class exemption process, the usual requirement under 49 C.F.R. § 1152.27(c)(2) for parties seeking an  
(continued . . . )

- The effective date of the exemption will be 10 days after the OFA deadline.

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

It is ordered:

1. The procedural schedule is modified as discussed above.
2. This decision is effective on its date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

---

( . . . continued)

OFA in such a case to first file a formal expression of intent to do so is unnecessary here and will be waived.