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SERVICE DATE - MAY 23, 2002

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-601X]

Pine Belt Southern Railroad Company, Inc.—Abandonment Exemption—in Russell, Bullock, and Macon Counties, AL

Pine Belt Southern Railroad Company, Inc. (PBRR) has filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 25-mile line of railroad between milepost S-304.00 at Nuckols and milepost S-329.00 at Hurtsboro, in Russell, Bullock, and Macon Counties, AL. The line traverses United States Postal Service Zip Codes 36860, 36875 and 36858.

PBRR has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) no overhead traffic has moved over the line for at least 2 years and overhead traffic, if there were any, could be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal

letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment and discontinuance shall be protected under Oregon Short Line R.

Co.–Abandonment–Goshen, 360 I.C.C. 91 (1979). To address whether this condition

adequately protects affected employees, a petition for partial revocation under 49 U.S.C.

10502(d) must be filed. Provided no formal expression of intent to file an offer of financial

assistance (OFA) has been received, this exemption will be effective on

June 22, 2002,¹ unless stayed pending reconsideration. Petitions to stay that do not involve

environmental issues,² formal expressions of intent to file an OFA under 49 CFR

1152.27(c)(2),³ and trail use/rail banking requests under 49 CFR 1152.29 must be filed by

June 3, 2002. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28

¹ While applicant initially indicated a proposed consummation date of June 20, 2002, because the verified notice was filed on May 3, 2002, consummation may not take place prior to June 22, 2000. Applicant's representative has subsequently confirmed that consummation cannot occur before June 22, 2002.

² The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-of-Service Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

³ Each offer of financial assistance must be accompanied by the filing fee, which, as of April 8, 2002, is set at \$1,100. See 49 CFR 1002.2(f)(25).

must be filed by June 12, 2002, with: Surface Transportation Board, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: G. Richard Abernathy, President, Pine Belt Southern Railroad Company, Inc., P.O. Box 1317, Shelbyville, TN 37162.

If the verified notice contains false or misleading information, the exemption is void ab initio.

PBRR has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by May 28, 2002. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565-1552. [TDD for the hearing impaired is available at 1-800-877-8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), PBRR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by PBRR's filing of a

notice of consummation by May 23, 2003, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at
“WWW.STB.DOT.GOV.”

Decided: May 15, 2002.

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

Vernon A. Williams

Secretary