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SERVICE DATE – LATE RELEASE AUGUST 1, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-868X¹

MISSISSIPPI TENNESSEE HOLDINGS, LLC–ABANDONMENT EXEMPTION–
IN UNION, PONTOTOC AND CHICKASAW COUNTIES, MS

Decided: August 1, 2007

By decision and notice of interim trail use or abandonment (NITU) served on July 26, 2004, the Board granted a petition for exemption under 49 U.S.C. 10502 permitting Mississippi Tennessee Holdings, LLC (MTH) to abandon, and Mississippi Tennessee Railroad, LLC (MTR) to discontinue service over, a 43.2-mile line of railroad in Union, Pontotoc and Chickasaw Counties, MS, extending from milepost 324.2 near New Albany to the end of the line at milepost 281.0 near Houston, MS. A NITU served on July 6, 2006, established a 90-day period (until October 4, 2006) for the City of New Albany, MS (City), to negotiate an interim trail use/rail banking agreement with MTH for the entire 43.2-mile rail line. Decisions served on October 4, 2006, and April 19, 2007, extended the trail use negotiating period until August 1, 2007.

By letter filed on July 23, 2007, MTH and the City jointly request a 180-day extension of the NITU negotiating period (until January 28, 2008).

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. An extension of the negotiating period will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d).² Accordingly, the NITU negotiating period will be extended for 180 days until January 28, 2008.

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

¹ Some of the prior decisions in this proceeding have also embraced Mississippi Tennessee Railroad, LLC–Discontinuance of Service Exemption–in Union, Pontotoc and Chickasaw Counties, MS, STB Docket No. AB-869X.

² See Rail Abandonments–Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

It is ordered:

1. The request to extend the NITU negotiating period is granted.
2. The NITU negotiating period is extended to January 28, 2008.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary