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SERVICE DATE - MAY 12, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-312 (Sub-No. 2X)

SOUTH CAROLINA CENTRAL RAILROAD COMPANY, INC., D/B/A CAROLINA
PIEDMONT DIVISION--ABANDONMENT EXEMPTION--IN GREENVILLE COUNTY, SC

Decided: May 7, 1999

By decision and notice of interim trail use or abandonment (NITU) served on May 20, 1998, a 90-day period (from May 1, 1998) was authorized for the Rails to Trails Conservancy (RTC) to negotiate an interim trail use/rail banking agreement with South Carolina Central Railroad Company, Inc., d/b/a Carolina Piedmont Division (CPDR), for two segments of rail line extending from: (1) milepost AJK 585.34, in East Greenville, to milepost AJK 588.63 in Greenville; and (2) milepost 0.0 to milepost 2.0 in Greenville, a total distance of 5.29 miles, in Greenville County, SC. The initial 90-day negotiating period was extended by decisions served on August 4, 1998, and November 12, 1998.

The later extension was scheduled to expire on April 30, 1999, and on April 29, 1999, RTC and Greenville County, SC (the County), jointly filed a request for a further extension of the negotiating period until October 31, 1999. They state that RTC has been actively negotiating with CPDR and has reached an agreement in principle establishing the terms of the transfer of the line under the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). In addition, they also state that the County has now agreed to become the interim trail manager for the line. The County submitted a statement of willingness to assume financial responsibility for interim trail use/rail banking in compliance with 49 CFR 1152.29 and acknowledged that use of the right-of-way for trail purposes is subject to future reactivation for rail service. The County has agreed in principle to the terms of the interim trail use/rail banking proposal negotiated by RTC and CPDR and will itself negotiate with CPDR to finalize an agreement. Accordingly, an extension of the negotiating period under the NITU is requested. By letters dated April 27, 1999, and May 5, 1999, respectively, CPDR agrees to a 180-day extension of the negotiating period and agrees to the substitution of the County for RTC as the negotiating party. Although RTC and the County seek an extension until October 31, 1999 (184-day extension), we will authorize the 180-day extension agreed to by CPDR.

Where, as here, the carrier has not consummated the abandonment at the end of the previously imposed negotiating period and is willing to continue trail use negotiations, the Board retains jurisdiction to extend the NITU negotiating period.¹ The County has demonstrated that it should be permitted to negotiate with CPDR, and has shown that the additional time is necessary to complete negotiations. An extension of time will promote the establishment of trails and rail

¹ See Rail Abandonments - Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

banking consistent with the Trails Act. Accordingly, the County will be authorized to negotiate a trail use/rail banking agreement with CPDR, and the NITU negotiating period will be extended until October 27, 1999.

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

It is ordered:

1. The NITU negotiating period is extended until October 27, 1999.
2. The NITU served on May 20, 1998, and extended by decisions served on August 4, 1998, and November 12, 1998, is modified to reflect that the County is authorized to negotiate a trail use/rail banking agreement with CPDR.
3. This decision is effective on the date of service.

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

Vernon A. Williams
Secretary