

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1087 (Sub-No. 1X)

GRENADA RAILWAY LLC—ABANDONMENT EXEMPTION—IN MONTGOMERY,
CARROLL, HOLMES, YAZOO, AND MADISON COUNTIES, MISS.

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

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

Decided: April 23, 2014

On December 17, 2013, Grenada Railway LLC (GRYR) filed with the Surface Transportation Board (Board) in Docket No. AB 1087 (Sub-No. 1X) a petition under 49 U.S.C. § 10502 for exemption from the prior approval requirements of 49 U.S.C. § 10903 to abandon the southern segment of its line of railroad between milepost 626.1 near Elliot and milepost 703.8 near Canton, a distance of 77.7 miles, in Montgomery, Carroll, Holmes, Yazoo, and Madison Counties, Miss. Notice of the petition was served and published in the Federal Register on January 6, 2014 (79 Fed. Reg. 702). In that notice, the Board instituted an exemption proceeding and notified the public that any replies to GRYR's petition for exemption would be due no later than January 27, 2014.¹

Shortly thereafter, on January 2, 2014, GRYR filed in Docket No. AB 1087 (Sub-No. 2X) 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. Notice of the proposed abandonment was served and published in the Federal Register on January 22, 2014 (79 Fed. Reg. 3,663). The Board's notice stated that the exemption would take effect on February 21, 2014, unless a formal expression of intent to file an offer of financial assistance (OFA) had been received or the exemption was stayed pending reconsideration.² On

¹ Requests for a public use condition under 49 C.F.R. § 1152.28 or for interim trail use/rail banking under 49 C.F.R. § 1152.29 were also due by January 27, 2014.

² 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 interim trail use/rail banking requests under 49 C.F.R. § 1152.29 were due by February 3, 2014, and that petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 were due by February 11, 2014.

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 17 and January 31, 2014, the Mississippi Transportation Commission (MTC) filed letters in these two proceedings, each stating that MTC would like to explore all alternatives to the proposed abandonment and asking the Board to defer the due date for filing protests or comments until April 28, 2014.³ GRYR agreed to both requested postponements,⁴ and the Board granted both.⁵ On February 14, 2014, OEA issued an EA in Docket No. AB 1087 (Sub-No. 1), which also adopted the same April 28, 2014 comment deadline.

On April 11, 2014, the North Central Mississippi Regional Railroad Authority (NCMRRRA) filed identical letters in both dockets asking for an additional 60-day extension of the filing deadline for protests and comments, until June 27, 2014. NCMRRRA states that the Mississippi Legislature has approved two bills to provide funds for NCMRRRA to acquire the lines GRYR has proposed to abandon and that the requested extensions will provide additional time for NCMRRRA and GRYR to negotiate the sale of the rail lines and work out the necessary details.⁶

On April 14, 2014, MTC filed identical letters in both dockets supporting NCMRRRA's request,⁷ and GRYR filed a letter in both dockets stating that it "offers no objection to the extension of the due date for filing protests and comments to June 27, 2014."⁸

The Board favors the private resolution of disputes whenever possible. Here the parties have agreed to modify the procedural schedule further in order to facilitate negotiating a sale of

³ Docket No. AB 1087 (Sub-No. 1X), MTC Letter 1, Jan. 17, 2014; Docket No. AB 1087 (Sub-No. 2X), MTC Letter 1, Jan. 31, 2014.

⁴ Docket No. AB 1087 (Sub-No. 1X), GRYR Letter 1, Jan. 22, 2014; Docket No. AB 1087 (Sub-No. 2X), GRYR Letter 1, Jan. 31, 2014.

⁵ See Grenada Ry.—Aban. Exemption—in Montgomery, Carroll, Holmes, Yazoo, & Madison Cntys., Miss., AB 1087 (Sub-No. 1X) (STB served Jan. 24, 2014) (Sub-No. 1X); Grenada Ry.—Aban. Exemption—in Yalobusha Cnty., Miss., AB 1087 (Sub-No. 2X) (STB served Feb. 7, 2014) (Sub-No. 2X). Under Sub-No. 1X, replies to GRYR's petition were due April 28, 2014, and any offers of financial assistance (OFA) under 49 C.F.R. § 1152.27(b)(2) were due 10 days after the service date of a decision granting the petition for exemption. Under Sub-No. 2X, 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 on the EA were due April 28, 2014; any OFAs were due July 11, 2014, or 10 days after the service date of a decision granting the petition for exemption in Docket No. AB 1087 (Sub-No. 1X), whichever is later; and the effective date of the exemption was set at 10 days after the OFA deadline.

⁶ NCMRRRA Letter 1, Apr. 11, 2014.

⁷ MTC Letter 1, Apr. 14, 2014.

⁸ GRYR Letter 1, Apr. 14, 2014.

the lines proposed for abandonment. Accordingly, the Board will modify the comment deadlines as requested and restate other procedural deadlines, as follows:

In Docket No. AB 1087 (Sub-No 1X):

- Replies to GRYR's petition⁹ and comments regarding the Board's EA are due on June 27, 2014.
- OFAs 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.

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

- 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 are due on June 27, 2014.
- OFAs 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 GRYR's pending petition for abandonment exemption in Docket No. AB 1087 (Sub-No. 1X).¹⁰
- 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 schedules in Docket Nos. AB 1087 (Sub-No. 1X) and AB 1087 (Sub-No. 2X) are modified as discussed above.
2. This decision is effective on its date of service.

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

⁹ On December 27, 2013, Robert Riley filed a motion to reject the petition. Mr. Riley's motion will be addressed in a subsequent Board decision.

¹⁰ Each OFA must be accompanied by the filing fee of \$1,600. The Board previously waived the requirement under 49 C.F.R. § 1152.27(c)(2) for parties seeking to file an OFA in the Sub-No. 2X proceeding to first file a formal expression of intent to do so. Sub-No. 2X, slip op. at 2 n.6.