

30706
DO

SERVICE DATE - LATE RELEASE DECEMBER 30, 1999

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

Docket No. AB-448 (Sub-No. 1X)

SF&L RAILWAY, INC.—ABANDONMENT
EXEMPTION—IN ELLIS AND HILL COUNTIES, TX

Decided: December 30, 1999

SF&L Railway, Inc. (SF&L), filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon approximately 18.23 miles of rail line between milepost 813.1 near Italy and milepost 831.33 near Hillsboro, in Ellis and Hill Counties, TX. Notice of the exemption was served and published in the Federal Register on December 11, 1995 (60 FR 63544).¹ An offer of financial assistance (OFA) to purchase a 1.7-mile portion of the line between milepost 829.63 and milepost 831.33 was filed jointly by the City of Hillsboro, TX, the Development Corporation of Hillsboro, and the Hillsboro Chamber of Commerce (collectively referred to as Hillsboro). In a decision and notice of interim trail use or abandonment (NITU) served July 30, 1996 (July 30 decision), the proceeding was reopened to: (1) set the purchase price for the 1.7-mile segment between milepost 829.63 and milepost 831.33;² (2) direct SF&L to initiate consultations with the Texas State Historic Preservation Officer and the Texas Parks and Wildlife Department to minimize any adverse effects that may have resulted from premature salvage activities conducted by SF&L; and (3) implement interim trail use/rail banking under 49 CFR 1152.29 and provide a 180-day period for SF&L to negotiate an agreement with American Trails Association, Inc. (ATA), for the 16.53-mile line segment between milepost 813.1 and milepost 829.63.

On December 14, 1999, ATA filed a notice of intent to terminate trail use for the right-of-way between milepost 813.1 and milepost 829.63. ATA requests that the NITU be vacated as of December 31, 1999.

ATA has complied with the requirements of 49 CFR 1152.29(d)(2) regarding a request to vacate the NITU. Thus, SF&L may fully abandon the line between milepost 813.1 and milepost 829.63, subject to the environmental and historic preservation conditions that were imposed.

¹ Environmental, historic preservation, and public use conditions were imposed in a decision served April 29, 1996.

² A subsequent decision served October 11, 1996, authorized Hillsboro to acquire and operate the portion of the line between milepost 829.63 and milepost 831.33 and dismissed the abandonment exemption with respect to that line segment.

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

It is ordered:

1. This proceeding is reopened.
2. The NITU served July 30, 1996, is vacated with respect to the line segment between milepost 813.1 and milepost 829.63. SF&L may fully abandon this line segment, provided that it has complied with the measures prescribed in the July 30 decision to address environmental and historic preservation concerns.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary