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SERVICE DATE - NOVEMBER 12, 1998

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: November 9, 1998

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 90-day negotiating period was to have expired on July 30, 1998, but was extended to October 31, 1998, in a decision served August 4, 1998.

On October 30, 1998, RTC filed a request for a further extension of the negotiating period until April 30, 1999. RTC states that, while it is close to reaching an interim trail use/rail banking agreement with CPDR, several issues still need to be resolved. By letter filed October 30, 1998, CPDR states that it does not object to the extension request.

The extension request slightly exceeds the customary request of 180 days. The 180-day period was adopted in Rail Abandonments--Use of Rights-of-Way as Trails, 2 I.C.C.2d 591, 605 (1986), to promote the expeditious conclusion of negotiations. In keeping with the consensual nature of the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act), the requested extension will be granted.

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 RTC has shown that the additional time is necessary to complete negotiations. An extension of time will promote the establishment of trails and rail banking consistent with the Trails Act. Accordingly, the NITU negotiating period will be extended until April 30, 1999.

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

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

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It is ordered:

1. The NITU negotiating period is extended until April 30, 1999.
2. This decision is effective on the date of service.

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

Vernon A. Williams
Secretary