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SERVICE DATE - SEPTEMBER 13, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-564

CAMAS PRAIRIE RAILNET, INC.–ABANDONMENT–IN LEWIS, NEZ PERCE,
AND IDAHO COUNTIES, ID
(BETWEEN SPALDING AND GRANGEVILLE, ID)

Decided: September 12, 2002

On September 13, 2000, a decision and certificate of interim trail use (CITU) was served, authorizing a 180-day period for the Nez Perce Tribal Executive Committee to negotiate an interim trail use/rail banking agreement with Camas Prairie RailNet, Inc. (CSPR), for the 66.8-mile line of railroad known as the Grangeville Line, or Second Subdivision, extending from milepost 0.00 near Spalding, ID, to milepost 66.8 (end of track) near Grangeville, ID, in Lewis, Nez Perce, and Idaho Counties, ID. The 180-day negotiating period under the CITU was scheduled to expire on March 12, 2001. By a decision served on that date, the negotiating period was extended to June 10, 2001. Subsequently, by a decision served May 15, 2001, a second CITU was issued, authorizing the Camas Prairie Trail Conservancy to negotiate with CSPR and to serve as a trail user.

The September 13, 2000 decision stated that, if consummation had not been effected by CSPR's filing of a notice of consummation by September 13, 2001, and there were no legal barriers to consummation, the authority to abandon would automatically expire. However, under 49 CFR 1152.29(e)(2), a railroad may, for good cause, request an extension of time to file a notice of consummation in abandonment proceedings. On September 12, 2001, CSPR filed a request to extend, until September 13, 2002, the time to consummate the abandonment and to file its notice of consummation. CSPR's request was granted by decision served October 4, 2001.

On September 6, 2002, CSPR filed a second request to extend for an additional year the time to consummate the abandonment and to file its notice of consummation. CSPR states that it has complied with the environmental and historic conditions imposed by the Board in its September 13, 2000 decision, and has transferred the entire right-of-way to the Camas Prairie Trail Conservancy for use as a trail pending a permanent trail designation and transfer. CSPR adds that, at the time of its filing of the extension request, it was awaiting issuance of a Board decision removing certain environmental

and historic conditions previously imposed, thereby allowing salvage to begin.¹ CSPR states that it wants to make sure that its abandonment authority does not lapse while it is protecting its property rights in the right-of-way.

CSPR has shown good cause to extend the time to consummate the abandonment and file a notice of consummation in this proceeding. Accordingly, the request will be granted.

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

It is ordered:

1. CSPR's request for a 1-year extension of time to exercise the abandonment authority for the above-described line is granted.
2. The authority to abandon is scheduled to expire on September 13, 2003.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary

¹ A decision was issued in this proceeding that same day (September 6, 2002), removing a number of the environmental conditions, adding one new condition, and noting that salvage may begin once CSPR has satisfied the remaining self-executing consultation conditions.