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SERVICE DATE – LATE RELEASE AUGUST 29, 2016

SURFACE TRANSPORTATION BOARD

DECISION AND MODIFICATION OF
NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

Docket No. AB 290 (Sub-No. 275X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN
GASTON COUNTY, N.C.

Decided: August 29, 2016

Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon a 2.0-mile line of railroad between milepost HG 45.0 and milepost 47.0 in Gastonia, Gaston County, N.C.¹ On October 26, 2006 (October 2006 Decision), the Board, at the request of the City of Gastonia (the City), reopened the proceeding and issued a notice of interim trail use or abandonment (NITU) under the National Trails System Act, 16 U.S.C. § 1247(d), for a portion of the right-of-way between milepost HG 45.0 and milepost 46.8, a distance of 1.8 miles.

By filing submitted on August 4, 2016, the City requests that the Board vacate the NITU for an approximately 0.3-mile portion of the right-of-way between Valuation Station 2451+05 and milepost HG 46.8, described more specifically as follows:

beginning at a point located at Railroad Valuation Station 2451+05, more or less . . . [then] running along the centerline of the right of way in a northerly direction, a distance of 1,572 feet (0.30 of a mile), more or less, to the [ending point] located at the point of intersection of the centerline of the right of way with the centerline of Rankin Lake Road located at Railroad Valuation Station 2466+77, more or less (Railway Milepost HG-46.8), . . . such portion of right of way containing 3.6 acres, more or less.

According to the City, it wishes to release this portion (the Released Premises) of the right-of-way from the NITU but will remain the trail user for the remainder of the 1.8-mile segment.

The City has complied with the requirements of 49 C.F.R. § 1152.29(d)(2) regarding its request to modify the NITU for a portion of the right-of-way. Therefore, this proceeding will be reopened and a replacement NITU will be issued for the portion of the line between milepost HG 45.0 and Valuation Station 2451+05. Thus, NSR may consummate the authority it has received to abandon the Released Premises, and must notify the Board of the date of

¹ Notice of the exemption was served and published in the Federal Register on September 27, 2006 (71 Fed. Reg. 56,585).

consummation.² Pursuant to 49 C.F.R. § 1152.29(d)(2), copies of this decision will be served on NSR and the City.

It is ordered:

1. This proceeding is reopened.
2. The NITU served in this proceeding on October 26, 2006, is vacated.
3. A replacement NITU applicable to the City for the portion of the line between milepost HG 45.0 and Valuation Station 2451+05 is issued.
4. Interim trail use/rail banking is subject to the future restoration of rail service and to the sponsor's continuing to meet the financial obligation for the right of way.
5. If the trail sponsor intends to terminate trail use, it must send the Board a copy of this decision and notice and request that it be vacated on a specified date.
6. NSR may fully abandon the Released Premises.
7. This decision is effective on the date of service.

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

² NSR is reminded that it has 60 days after satisfaction, expiration, or removal of the legal or regulatory barrier (here, the NITU) to consummate the abandonment of the Released Premises.