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SERVICE DATE - MARCH 12, 2001

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: March 9, 2001

On September 13, 2000, a decision and certificate of interim trail use or abandonment (CITU) was served, authorizing a 180-day period for the Nez Perce Tribal Executive Committee (the Nez Perce) 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 period under the CITU was scheduled to expire on March 12, 2001.

By a pleading filed on February 6, 2001, as amended on March 7, 2001, the Nez Perce request an extension of the negotiating period 90 days to June 10, 2001. The Nez Perce state that the parties presently are negotiating the terms of an agreement but need additional time to finalize the process. On March 7, 2001, CSPR filed a reply stating that it is agreeable to the extension request.

Letters in opposition to the request have been filed by the City of Cottonwood, ID, Hilda Nuttman, Ted L. Kaschmitter, Joe and Lenore Hill, and Gregory Fitzmaurice on behalf of adjacent land owners. As explained in the September 13 decision, the Board's role in administering the National Trails System Act is only ministerial. The Board does not decide whether rail banking and use of the right-of-way as a recreational trail is desirable for a particular line of railroad; Congress has made that determination (for all lines). See 16 U.S.C. 1247(d). As here, if the railroad agrees to negotiate with a party for the acquisition of the right-of-way for rail banking/interim trail use, and that party meets the requirements of 49 CFR 1152.29, the Board will issue a CITU that provides a negotiation period for the parties to complete a trail use agreement.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.¹ Under the circumstances, an extension of the negotiating period is

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

warranted and will promote the establishment of trail use and rail banking consistent with the Trails Act. Accordingly, the negotiating period will be extended to June 10, 2001.

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

It is ordered:

1. The negotiating period under the CITU is extended to June 10, 2001.
2. This decision is effective on its service date.

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

Vernon A. Williams
Secretary