

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 281X)

YADKIN RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN STANLY COUNTY, NC

Decided: November 14, 2007

Yadkin Railroad Company (Yadkin) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 4.14-mile line of railroad between milepost N 27.50 in North Albemarle and milepost N 31.64 in Albemarle, Stanly County, NC.¹ Notice of the exemption was served and published in the Federal Register on November 14, 2006 (71 FR 66364-65).² In the November 14, 2006 notice, the Board stated that, if consummation has not been effected by Yadkin's filing of a notice of consummation by November 14, 2007, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings. On November 9, 2007, Yadkin filed a request to extend, until November 14, 2008, the time to consummate the abandonment. In support, Yadkin states that, although significant progress has been made with the City of Albemarle (potential purchaser) regarding disposition of the line, some details remain to be worked out before final agreements can be reached and committed to writing. The extension will give greater flexibility to Yadkin and the potential purchaser in making the most productive future use of this right-of-way without requiring Yadkin to request shorter extensions of time if the expected imminent agreements are delayed. Yadkin has shown

¹ The notice was jointly filed with Norfolk Southern Railway Company (NSR), as NSR sought to discontinue service over the same line in STB Docket No. AB-290 (Sub-No. 270X), Norfolk Southern Railway Company—Discontinuance of Service Exemption—in Stanly County, NC.

² By decision and notice of interim trail use or abandonment (NITU) served on December 13, 2006, the proceeding was reopened and a 180-day period was authorized for the City of Albemarle, NC (City), to negotiate an interim trail use/rail banking agreement with Yadkin for an approximately 2-mile portion of the right-of-way involved in this proceeding. The trail use negotiating period was scheduled to expire on June 12, 2007. The decision and notice also made the exemption subject to salvage conditions and to a public use condition. The public use condition expired on June 12, 2007, and cannot be extended. Subsequently, by decision served on June 28, 2007, the negotiating period under the NITU was extended until December 9, 2007.

good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding. Accordingly, the request will be granted.

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

It is ordered:

1. Yadkin's request for an extension of time to consummate the abandonment is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before November 14, 2008.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary