

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: February 19, 2004

By decision and certificate of interim trail use or abandonment (CITU) served on September 13, 2000, Camas Prairie RailNet, Inc. (CSPR) was granted authority under 49 U.S.C. 10903 to abandon a 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, a distance of 66.8 miles, in Lewis, Nez Perce, and Idaho Counties, ID. Also, the Nez Perce Tribal Executive Committee was granted a 180-day period to negotiate an interim trail use/rail banking agreement with CSPR for the right-of-way. The abandonment was made subject to employee protective, trail use, public use,¹ historic, and environmental conditions.²

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. By a decision served on May 15, 2001, a second CITU was issued, authorizing the Camas Prairie Trail Conservancy (the Conservancy) to negotiate with CSPR and to serve as a trail user. On December 17, 2002, CSPR, the Conservancy, and BG & CM Railroad, Inc. (BG & CM), jointly filed a petition requesting the Board to vacate the existing CITU and issue an appropriate replacement CITU substituting BG & CM in lieu of the Conservancy as the interim trail manager.³ Petitioners' request was granted by a third CITU served on January 6, 2003.⁴

¹ The public use condition expired on April 11, 2001.

² A decision was served in this proceeding on 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.

³ On December 18, 2002, CSPR transferred ownership of the subject track and right-of-way to BG & CM.

⁴ The parties subsequently reached a trail use/rail banking agreement.

The September 13, 2000 decision stated that, if consummation of the abandonment 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. CSPR filed requests to extend, first to September 13, 2002, then to September 13, 2003, and then to February 13, 2004, the time to consummate the abandonment, which requests were granted by decisions served, respectively, on October 4, 2001, September 13, 2002, and September 12, 2003.

On February 13, 2004, CSPR filed a further request to extend until March 15, 2004, the time to consummate the abandonment and to file a notice of consummation. CSPR states that it is presently engaged in negotiations to sell all of its railroad assets and operations to another short line railroad owner. CSPR states that it anticipates the sale of the railroad will occur around March 1, 2004.

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. The request to extend the time to exercise the abandonment authority for the above-described line is granted.
2. The authority to abandon is scheduled to expire on March 15, 2004.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary