

SERVICE DATE - FEBRUARY 28, 1997

SURFACE TRANSPORTATION BOARD<sup>1</sup>

DECISION

Docket No. AB-389 (Sub-No. 1X)

GEORGIA GREAT SOUTHERN DIVISION, SOUTH CAROLINA CENTRAL  
RAILROAD CO., INC.--ABANDONMENT AND DISCONTINUANCE  
EXEMPTION--BETWEEN ALBANY AND DAWSON IN TERRELL,  
LEE AND DOUGHERTY COUNTIES, GA

Decided: February 26, 1997

On October 18, 1996, a decision and notice of interim trail use or abandonment (NITU) was served authorizing a 180-day period for Rails to Trails Conservancy (RTC) to negotiate an interim trail use/rail banking agreement with the Georgia Great Southern Division, South Carolina Central Railroad Co., Inc. (GGS) for a portion of the line between milepost 86.5, at Albany, and milepost 72.88, at Sasser. The negotiation period expired on February 12, 1997.

By motion filed February 12, 1997, RTC requests that the negotiation period be extended an additional 180 days until August 11, 1997. RTC states that it has been actively negotiating with GGS and is close to reaching an interim trail use/rail banking agreement, but several issues relating to such an agreement have not yet been resolved. By letter filed February 19, 1997, GGS states that it does not object to the requested extension.

The requested extension of the negotiation period under the NITU will be granted.<sup>2</sup> It will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The purpose of the Trails Act is to preserve rail corridors for possible reactivation of rail service by permitting and encouraging their interim use as recreational trails. See Policy Statement on

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<sup>1</sup> The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (the ICCTA), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Surface Transportation Board (Board). Section 204(b)(1) of the ICCTA provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the ICCTA. This decision relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10903. Therefore, this decision applies the law in effect prior to January 1, 1996.

<sup>2</sup> Where, as here, the carrier seeks a continuation of the negotiation period and has not abandoned the line at the end of the previously imposed negotiation period, regulatory jurisdiction is not terminated and the negotiation period may be extended. See Missouri Pac. R. Co.--Aband.--In OK, Docket No. AB-3 (Sub-No. 63) (ICC served Jan. 2, 1990).

Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990).

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 NITU is extended to August 11, 1997.

2. The decision is effective on the service date.

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

Vernon A. Williams  
Secretary