

STB 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

Statement of Yvonne Krywyj, Staff Attorney, Office of Proceedings

Good morning, Chairman Nober and Commissioner Morgan.

Georgia Southwestern Railroad, Inc., which I will refer to as GSWR, filed a petition to vacate a notice of interim trail use on a 13.62-mile rail line between Albany and Sasser, GA. GSWR seeks to restore rail service on this rail banked line, in accordance with the Trails Act at 16 U.S.C. 1247(d). GSWR is the successor in interest to the Georgia Great Southern Division, South Carolina Central Railroad Co., Inc., the railroad that originally sought to abandon the line. The draft decision before you would grant GSWR's petition and vacate the interim trail use notice.

The draft decision first finds that, because GSWR is the successor in interest to the rail carrier that originally sought to abandon this rail line, it has a right to reinstate rail service without needing a new license from the Board under 49 U.S.C. 10901.

The draft also rejects the trail sponsors' argument that the Board should require compensation to the trail sponsors as a prerequisite to the reactivation of rail service here. The draft decision explains that the Board's role under the Trails Act is ministerial. The Board does not oversee, review, approve or interpret the terms of interim trail use agreements. Thus, the draft decision concludes that any compensation issues are for a court to address. But it also makes clear that a satisfactory resolution of compensation issues cannot be a precondition to restoration of rail service, as the Trails Act gives the railroad the right to restore rail service at any time.

That concludes my statement. If you have any questions, we will be happy to answer them.