

SERVICE DATE – DECEMBER 16, 2020

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

Docket No. AB 490 (Sub-No. 1X)

GREENVILLE COUNTY ECONOMIC DEVELOPMENT CORPORATION—
ABANDONMENT AND DISCONTINUANCE EXEMPTION—
IN GREENVILLE COUNTY, S.C.

Decided: December 16, 2020

On June 24, 2005, Greenville County Economic Development Corporation (GCEDC) filed a petition under 49 U.S.C. § 10502 for exemption from the prior approval requirements of 49 U.S.C. § 10903 to abandon approximately 11.8 miles of rail line, extending from milepost 0.0 in Greenville, S.C., to milepost 11.8 in Travelers Rest, S.C. (the Line), and to discontinue service over 3.29 miles of rail line, extending from milepost AJK 585.34 in East Greenville, S.C., to milepost AJK 588.63 in Greenville (Southern Segment),¹ all in Greenville County, S.C.

By decision and notice of interim trail use or abandonment (NITU) served October 12, 2005, the Board granted the petition, subject to a NITU authorizing a 180-day period for Upstate Forever, as the proposed trail sponsor, to negotiate with GCEDC for interim trail use/rail banking of the Line under the National Trails System Act (Trails Act), 16 U.S.C. § 1247(d), and 49 C.F.R. § 1152.29; a public use condition; and three environmental conditions related to salvage operations.² The exemption became effective on April 5, 2006, when the offer of financial assistance process was terminated.

By letter filed September 27, 2006, Upstate Forever asked the Board to vacate the existing NITU and issue a replacement NITU with the Greenville County Recreation District (GCRD) as the trail sponsor, and on September 29, 2006, GCEDC informed the Board that it had reached an interim trail use/rail banking agreement with GCRD. On November 13, 2006, a replacement NITU was issued substituting GCRD as the trail sponsor.

¹ GCEDC was authorized to abandon the Southern Segment in Greenville County Economic Development Corporation—Abandonment Exemption—in Greenville County, S.C., AB 490 (Sub-No. 2X) (STB served Jan. 9, 2015).

² The public use condition expired on May 10, 2006, and two of the environmental conditions were removed in 2007. See Greenville Cnty. Econ. Dev. Corp.—Aban. & Discontinuance Exemption—in Greenville Cnty., S.C., AB 490 (Sub-No. 1X), slip op. at 1-2 & n.1 (STB served Apr. 2, 2007). The remaining environmental condition imposes restrictions on herbicide use during salvage operations. See Greenville Cnty. Econ. Dev. Corp., AB 490 (Sub-No. 1X), slip op. at 5-6 (STB served Oct. 12, 2005).

On August 11, 2010, the County of Greenville, S.C. (County) was authorized to acquire GCEDC's interest in the Line, including the residual common carrier obligation. See Cnty. of Greenville, S.C.—Acquis. Exemption—Greenville Cnty. Econ. Dev. Corp., FD 35396 (STB served Aug. 11, 2010). The County's acquisition included an assumption by the County of GCEDC's rights and responsibilities under the interim trail use/rail banking agreement with GCRD. See id. at 1.

On November 24, 2020, the County filed a request under 49 C.F.R. § 1152.29(d)(2) to partially vacate the NITU served on November 13, 2006. The County states that it would like to terminate interim trail use/rail banking over a segment of the Line's right-of-way extending from milepost 0.8 to milepost 0.0 (Segment), effective December 15, 2020. (Mot. 1-2.) The County explains that it plans to consummate the abandonment of the Segment and convey the Segment to the City of Greenville for expansion of a public greenway. (Id.)

The County has complied with the requirements of 49 C.F.R. § 1152.29(d)(2). Its request to vacate the NITU with respect to the Segment will be granted and a replacement NITU issued for the remainder of the Line's right-of-way. The County may consummate the abandonment of the Segment, subject to the remaining environmental condition noted above.

It is ordered:

1. This proceeding is reopened.
2. The NITU served on November 13, 2006 is vacated.
3. A replacement NITU applicable to the segment of the Line from milepost 0.8 in Greenville, S.C., to milepost 11.8 in Travelers Rest, S.C., is issued.
4. This decision is effective on its service date.

By the Board, Allison C. Davis, Director, Office of Proceedings.