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SERVICE DATE - MAY 11, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-297 (Sub-No. 101X)

COLUMBUS AND GREENVILLE RAILWAY COMPANY--ABANDONMENT
EXEMPTION--IN BOLIVAR AND WASHINGTON COUNTIES, MS

Decided: May 5, 1999

Columbus and Greenville Railway Company (C&G) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon 49.14 miles of rail line between milepost 109.3 near the City of Cleveland and milepost 158.44 near the City of Hollandale, in Bolivar and Washington Counties, MS. Notice of the exemption was served and published in the Federal Register on February 4, 1999 (64 FR 5701). On March 5, 1999, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for C&G to negotiate an agreement with: (1) the City of Cleveland (Cleveland) for a portion of the right-of-way between milepost 113 + 1700 and milepost 113 + 1850, between Hollandale and Cleveland;¹ (2) the City of Hollandale (Hollandale) for a portion of the right-of-way between milepost 140.1 in Leland and milepost 158.44 in Hollandale, a distance of 18.3 miles in Washington County, MS; and (3) the City of Shaw for a portion of the right-of-way from approximately milepost 123 near the north end of Shaw to approximately milepost 126 near the south end of Shaw, a distance of approximately 3 miles in Bolivar County, MS.²

On March 5, 1998, the Town of Boyle (Boyle) late-filed a request for issuance of a NITU pursuant to the National Trails System Act, 16 U.S.C. 1247(d), and a request for a public use condition under 49 U.S.C. 10905, in order to negotiate with C&G for a portion of the right-of-way from 3,432 feet north of milepost 116 to milepost 117 in Boyle, a distance of approximately 1.5 miles in Bolivar County, MS. On March 19, 1999, a NITU was served authorizing the town of Boyle to negotiate with C&G for that portion of the right-of-way.

By letters filed on April 5, 1999 and April 29, 1999, Hollandale has requested that the Board partially vacate the NITU and public use condition currently in effect between milepost 140.1

¹ Cleveland stated that, if it is determined at a later date that the area between milepost 114 + 3100 and milepost 115 + 1850 is not feasible to develop into a trail, it will submit a request to withdraw that portion.

² The March 5 decision also imposed a 180-day public use condition requiring C&G to leave the right-of-way intact including bridges, culverts and tunnels and similar structures for a period of 180 days from the March 6, 1999 effective date. The 180-day period is scheduled to expire on September 2, 1999.

at Leland and milepost 158.4 at the north boundary line of the City Limits of Hollandale and between milepost 157.1 at the south boundary line of the City Limits of Hollandale and milepost 155.5. Hollandale states that, upon the approval of this amendment, the remaining portion of the right-of-way between milepost 157.1 and milepost 155.5 would remain under interim trail use/rail banking condition and the public use condition. It is apparent that Hollandale erred as to the milepost information for the portions of the lines for which it seeks vacation of the NITU and public use condition. Because Hollandale has stated in its filings that the NITU and public use condition would remain for a portion of the right-of-way between milepost 157.1 and milepost 155.5, the requested amendment and vacation of the NITU and public use condition must actually be from milepost 140.1 to milepost 155.5 and from milepost 157.1 and milepost 158.44. On April 27, 1999, C&G filed a reply stating that it does not object to the requested amendment and agreed to negotiate with Holland for the remaining portion of the right-of-way between milepost 157.1 and milepost 155.5.

Hollandale's request for partial vacation will be granted. Under the circumstances, C&G will be permitted to fully abandon the line segments between milepost 140.1 and milepost 155.5 and between milepost 157.1 and milepost 158.44.

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

It is ordered:

1. This proceeding is reopened.
2. The previously-issued notice of interim trail use and the public use condition are vacated with respect to the line segments between milepost 140.1 and milepost 155.5 and between milepost 157.1 and milepost 158.44. Hollandale may negotiate with C&G for trail use over the line segment between milepost 155.5 and milepost 157.1 and C&G may fully abandon the segments for which the NITU and public use condition have been vacated.

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3. Hollandale is directed to advise the Board within 10 days from the service date of this decision if there are any discrepancies between the relief it was seeking and the action taken in this decision.

4. This decision is effective on its service date.

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

Vernon A. Williams
Secretary