

SERVICE DATE – JANUARY 3, 2020

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1289

CITY OF ST. PETERSBURG, FLA.—ADVERSE ABANDONMENT—CSX
TRANSPORTATION INC. IN PINELLAS COUNTY, FLA.

Digest:¹ This decision dismisses the proceeding without prejudice and denies as moot the City of St. Petersburg’s petition for waivers.

Decided: January 2, 2020

By petition filed on July 23, 2019, the City of St. Petersburg (the City) sought waivers of certain Board regulations in advance of a planned application by the City for third-party, or “adverse,” abandonment of a segment of rail line owned by CSX Transportation, Inc. (CSXT), between mileposts ARE 897.57 and ARE 898.43 in downtown St. Petersburg, Fla. (the Line). The petition indicates that the City has an interest in creating a public park and extension of the existing Pinellas Trail on the Line’s right-of-way should adverse abandonment be granted. (Pet. 2.) CSXT responded on August 12, 2019, asserting, among other things, that it intended to seek Board authority itself to abandon the Line.

On August 20, 2019, CSXT filed a verified notice of exemption pursuant to 49 C.F.R. § 1152.50 to abandon the Line, in CSX Transportation, Inc.—Abandonment Exemption—in Pinellas County, Fla., Docket No. AB 55 (Sub-No. 794X). Notice of the exemption was served and published in the Federal Register on September 9, 2019 (84 Fed. Reg. 47,339), and the exemption became effective on October 9, 2019. The City has been actively participating in Docket No. AB 55 (Sub-No. 794X), including seeking and obtaining a public use condition temporarily keeping the right-of-way and trail-related structures intact to permit the City (or any other interested party) to negotiate with CSXT to acquire the right-of-way for public use upon abandonment. See CSX Transp., Inc.—Aban. Exemption—in Pinellas Cty., Fla., AB 55 (Sub-No. 794X), slip op. at 2-3 (STB served Oct. 8, 2019).

As CSXT has been authorized to abandon the Line in Docket No. AB 55 (Sub-No. 794X), this proceeding will be dismissed without prejudice. Accordingly, the City’s petition for waivers will be denied as moot.

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. See Policy Statement on Plain Language Digests in Decisions, EP 696 (STB served Sept. 2, 2010).

It is ordered:

1. The proceeding is dismissed without prejudice.
2. The City's petition for waivers is denied as moot.
3. This decision is effective on its service date.

By the Board, Board members Begeman, Fuchs, and Oberman.