

SERVICE DATE – JANUARY 27, 2020

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 55 (Sub-No. 794X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN PINELLAS
COUNTY, FLA.

Digest:¹ The Board grants the City of St. Petersburg’s request for an extension of time to file an appeal.

Decided: January 24, 2020

On August 20, 2019, CSX Transportation, Inc. (CSXT), filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon an approximately 0.86-mile rail line on its Clearwater Subdivision, between milepost ARE 897.57 and milepost ARE 898.43, in St. Petersburg, Pinellas County, Fla. (the Line). 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.

Requests for notices of interim trail use (NITU) pursuant to 49 C.F.R. § 1152.29 were timely filed by the Georgetown and High Line Railway Company, LLC (GHL), and the City of St. Petersburg, Fla. (City). On September 3, 2019, CSXT responded that it would be willing to negotiate for interim trail use/rail banking with GHL but not with the City. The City filed comments objecting to GHL’s NITU request on September 9, 2019, and CSXT and GHL each subsequently responded. On January 13, 2020, the Board’s Director of the Office of Proceedings (Director) granted GHL’s NITU request but denied the City’s request because the interim trail use program is voluntary and consensual between the railroad and the trail sponsor and CSXT had stated that it was not willing to negotiate with the City. The City filed a “Notice of Appeal and Request for Waiver and Extension,” on January 17, 2020, seeking additional time to file an appeal of the Director’s January 13, 2020 decision.

The Director’s January 13, 2020 order was issued pursuant to 49 C.F.R. § 1011.7(a)(2)(iv), delegating to the Director the authority to determine, after a request for interim trail use/rail banking is filed, whether the National Trails System Act (Trails Act), 16 U.S.C. § 1247(d), applies and, where appropriate, to issue a NITU. Appeals of such decisions

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).

by the Director determining the applicability and administration of the Trails Act “will be acted on by the entire Board as set forth at 49 C.F.R. § 1011.2(a)(7).” 49 C.F.R. § 1152.25(e)(1)(iii).

The City timely filed its request for an extension and granting an extension will not prejudice any party. Accordingly, the Board will grant the City’s request for additional time to file an appeal and will provide until February 3, 2020, for the City to do so.

It is ordered:

1. The City’s request for an extension of time to file an appeal is granted.
2. The City may file an appeal of the Director’s January 13, 2020 decision by February 3, 2020.
3. This decision is effective on its service date.

By the Board, Board Members Begeman, Fuchs, and Oberman