

Saluda Grade Trails Conservancy, Inc.

R. Glenn Hilliard, Chairman

308959

December 2, 2024

ENTERED
Office of Proceedings
December 2, 2024
Part of
Public Record

VIA E-FILING

Cynthia T. Brown
Chief of the Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

Re: Norfolk Southern Railway Company – Abandonment Exemption – In
Henderson and Polk Counties, North Carolina, and Greenville and Spartanburg
Counties, South Carolina, AB-290 (Sub-No. 415X)

Petition for Issuance of a Notice of Interim Trail Use

Dear Ms. Brown:

Pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. 1152.29, the Saluda Grade Trails Conservancy is filing a petition for the issuance of a Notice of Interim Trail Use. The Saluda Grade Trails Conservancy has been in contact with the Norfolk Southern Railway Company (“NSR”), and NSR has indicated that it is willing to negotiate a Trails Use Agreement with the City for an approximately 31.3-mile rail line, extending from approximately Milepost W 26.0 +/- to approximately Milepost W 57.3 +/- (the “Line”) in the Counties of Henderson and Polk in North Carolina and the Counties of Greenville and Spartanburg in South Carolina.

A filing of \$350, pursuant to 49 C.F.R. § 1002(f)(27)(i), has been paid via Pay.gov. If there are any questions about this matter, please contact me directly, either by telephone at: 404-745-9770 or by email at: glenn@hilliardgrp.com.

By my signature below, I certify service by e-mail of a copy of this request on counsel for NSR and the parties of record.

Sincerely,



R. Glenn Hilliard
Chairman
Saluda Grade Trails Conservancy

FILED
December 2, 2024
SURFACE
TRANSPORTATION BOARD

cc: Crystal M. Zorbaugh, Counsel for NSR
Parties of Record

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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

AB-290 (Sub-No. 415X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN HENDERSON AND POLK COUNTIES, NORTH CAROLINA, AND
GREENVILLE AND SPARTANBURG COUNTIES, SOUTH CAROLINA**

PETITION FOR ISSUANCE OF A NOTICE OF INTERIM TRAIL USE

Pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. 1152.29, the Saluda Grade Trails Conservancy hereby makes its Petition for Issuance of a Notice of Interim Trail Use. The Saluda Grade Trails Conservancy states as follows:

1. The Saluda Grade Trails Conservancy files this petition pursuant to state, federal, and local laws as applicable and as authorized by the coalition of nonprofit organizations that are spearheading the Saluda Grade Trail: Conserving Carolina; PAL: Play. Advocate. Live Well.; and Upstate Forever.
2. The name, title, and address of the Saluda Grade Trails Conservancy's representative to whom correspondence should be sent is:

R. Glenn Hilliard
Chairman, Saluda Grade Trails Conservancy, Inc.
Austen & Gowder, LLC
PO Box 20820
Charleston, SC 29413
3. The Saluda Grade Trails Conservancy is interested in acquiring and using the right-of-way of the following rail line owned by Norfolk Southern Railway Company ("NSR") for interim trail use and railbanking.
 - a. An approximately 31.3-mile rail line, extending from approximately Milepost W 26.0 +/- to approximately Milepost W 57.3 +/- (the "Line") in the Counties of Henderson and Polk in North Carolina and the Counties of Greenville and Spartanburg in South Carolina.
4. A map of the Line is attached as Exhibit A.

5. The Saluda Grade Trails Conservancy makes the following statement:

**STATEMENT OF WILLINGNESS TO ASSUME
FINANCIAL RESPONSIBILITY**

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29 with respect to the right-of-way owned by Norfolk Southern Railway Company ("NSR") and operated by NSR, the Saluda Grade Trails Conservancy is willing to assume full responsibility for: (1) Managing the right-of-way, (2) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify the railroad against any potential liability), and (3) the payment of any and all taxes that may be levied or assessed against the right-of-way. The property, known as NSR's Saluda Grade W Line, extends Milepost W 26.0 +/-, near Zirconia, North Carolina, to approximately Milepost W 57.3 +/-, near Inman, South Carolina, a distance of approximately 31.3 miles in the Counties of Henderson and Polk in North Carolina and the Counties of Greenville and Spartanburg in South Carolina. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-290 (Sub-No. 415X). A map of the property depicting the right-of-way is attached.

The Saluda Grade Trails Conservancy acknowledges that the use of the right-of-way is subject to the sponsor's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Surface Transportation Board.

6. The Saluda Grade Trails Conservancy has been in contact with the staff of NSR, and NSR has indicated that NSR is willing to negotiate a Trails Use Agreement with the City with respect to the Line if the Board issues a Notice of Interim Trail Use.

Accordingly, the Saluda Grade Trails Conservancy respectfully petitions the Surface Transportation Board to issue a Notice of Interim Trail Use authorizing the City and NSR to negotiate for the Saluda Grade Trails Conservancy's acquisition or use of the Line's right-of-way in the above-stated proceeding for interim trail use and railbanking.

Respectfully,



R. Glenn Hilliard
Chairman
Saluda Grade Trails Conservancy



Docket No. AB 290 (Sub-No. 415X)
Norfolk Southern Railway
Abandonment Exemption
In Henderson and Polk Counties, N.C. and
Greenville and Spartanburg Counties, S.C.

Legend
— The Line

Note: Maps produced by the STB's Office of Environmental Analysis are based on information provided by the applicant and are for reference purposes only.

