

SERVICE DATE – JUNE 28, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-347 (Sub-No. 3X)

FLORIDA WEST COAST RAILROAD COMPANY, INC. — ABANDONMENT
EXEMPTION — IN ALACHUA AND GILCHRIST COUNTIES, FL

Decided: June 27, 2005

By decision served on June 14, 2004, the Board granted the petition for exemption filed by Florida West Coast Railroad Company, Inc. (FWCR), for abandonment of an approximately 13-mile line of railroad extending from milepost 734.0, in Trenton, to milepost 721.0, in Newberry, in Alachua and Gilchrist Counties, FL. The exemption was subject to public use, environmental, and standard employee protective conditions. The decision stated that, if consummation has not been effected by FDEP's filing of a notice of consummation by June 14, 2005, and there are no legal or regulatory barriers to consummation, the authority to abandon would automatically expire.¹

On April 6, 2004, a request for issuance of a notice of interim trail use (NITU) under the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act), was filed by the Florida Department of Environmental Protection, Office of Greenways and Trails (FDEP). At that time, FWCR stated that it was not willing to negotiate for interim trail use. Therefore, because the Trails Act permits only voluntary interim trail use, a NITU was not issued. See Rail Abandonments — Use of Rights-of-Way as Trails, 2 I.C.C.2d 591, 598 (1986). Subsequently, by letter filed on December 8, 2004, FDEP reintroduced its NITU request, and by letter filed on December 9, 2004, FWCR stated that it was now willing to negotiate for interim trail use. However, because FDEP was unable to satisfy the requirements of 49 CFR 1152.29(a)(2), a NITU was not granted.

On June 21, 2005, FWCR filed a request to extend the deadline for filing its notice of consummation until September 14, 2005. Although late-filed, the request will be granted because, according to FWCR, the parties are continuing discussions regarding a NITU request.

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

¹ In the decision, the exemption was made subject to a public use condition, which has expired.

It is ordered:

1. FWCR's request for an extension of time to exercise the abandonment authority is granted.
2. The authority to abandon must be exercised on or before September 14, 2005.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary