

COLUMBIA

CHARLESTON

FLORENCE

GREENVILLE

DID # 0102205002

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Sinkler Boyd, P.A.

ATTORNEYS AND COUNSELORS AT LAW

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June 26, 2003

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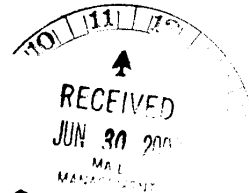
VIA U.S. MAIL

Surface Transportation Board
Office of the Secretary
1925 K Street, NW
Washington, DC 20423

Re: Verified Notice of Exemption

To Whom It May Concern:

Enclosed please find an original and ten (10) copies of Greenville County Economic Development Corporation's Verified Notice of Exemption and its attachments for filing. Please also find a check for the filing fee in the amount of \$2,700. Please let me know if there are any questions.



AB 490X

Sincerely,

Virginia S. Lanford

Virginia S. Lanford

FEE RECEIVED

JUN 30 2003

Enclosures

SURFACE
TRANSPORTATION BOARD

FILED

JUN 30 2003

Office of Proceedings

JUN 30 2003

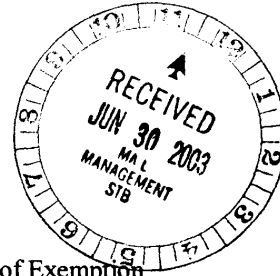
Part of
Public Record

NOT TO BE PAID

VERIFIED NOTICE OF EXEMPTION
DEPARTMENT OF TRANSPORTATION
Surface Transportation Board

STB No. AB 490 (Sub-No. ----X)

Greenville County Economic Development Corporation-Verified Notice of Exemption



Greenville County Economic Development Corporation (GCEDC) is seeking to discontinue service on its Greenville and Northern (G&N) Railroad Line (the "G&N Line"). GCEDC proposes to consummate the discontinuance of this service on or about July 14, 2003. The discontinuance of service on the G&N Line is exempt under the requirements of 49 CFR 1152.50, as no local traffic has moved over the line for at least two years, any overhead traffic can be rerouted over other lines, and no formal complaint has been filed by a user of rail service on the line. No actual traffic has moved over the G&N Line since 1993 because one of the bridges partially washed out and the line is in extremely poor condition. See Surface Transportation Board Decision, STB Docket No. AB-312 (Sub-No. 2X), Mar. 30, 1998. A copy of this decision is attached hereto as Exhibit A.

GCEDC is seeking funds to repair the G&N Line, and if successful, GCEDC intends to make such repairs and to seek authorization from the Surface Transportation Board (the "Board") to renew rail service on the line. The G&N Line infrastructure is in need of repairs at an estimated cost of approximately \$8 million. The needed repairs include structural upgrades to seven structures/bridges, clearing and grubbing 52,000 lineal feet of rail right of way, several thousands of cross ties, 103,500 feet of #100 rail, and 28 road crossing upgrades among others. A report containing a statement of the needed repairs and their estimated cost is attached hereto as Exhibit B.

FILED
Office of Proceedings

JUN 30 2003

Part of
Public Record

FILED

JUN 30 2003

SURFACE
TRANSPORTATION BOARD

FEE RECEIVED

JUN 30 2003

SURFACE
TRANSPORTATION BOARD

GCEDC is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.

As discussed above, GCEDC seeks Board approval of a discontinuance of service on the line. GCEDC does not desire abandonment of the line.

In compliance with 49 CFR §1152.22(a)(4), a detailed map of the subject line is attached hereto as Exhibit C.

Correspondence in connection with this notice should be sent to Phyllis Henderson, President of GCEDC, at the following address:

301 University Ridge, Suite 2400

Greenville, South Carolina 29601

The G&N Line runs from the City of Greenville, South Carolina, at mile marker 0.0 to the northern limits of the City of Traveler's Rest, South Carolina, at mile marker 11.8, for a distance of 11.8 miles. The G&N Line runs through United States Postal Service ZIP Codes 29690, 29609, 29613, 29617, 29611, and 29601 in Greenville, South Carolina and 29690 in Travelers Rest, South Carolina.

GCEDC is seeking a discontinuance of service, not an abandonment of the G&N Line. Thus, the information required in 49 CFR 1152.22(e)(4) is not applicable in this situation.

This action is exempt from the environmental and historic reporting requirements contained in 49 CFR §§1152.22(f) and 1152.20(d)(2). The proposed action will not exceed the thresholds set forth in 49 CFR §§1105.7 and 1105.8, since the line has not been operational for approximately ten years.

Since GCEDC has no employees and the line has not been in operation for approximately ten years, there will be no railroad employees affected by the proposed action. Thus, it is not necessary for action to be taken to protect employees. However, if GCEDC learns of any

employees who will be affected by the proposed action, it will take appropriate steps to adequately protect these employees, including those measures set forth in Oregon Short Line R. Co.-Abandonment-Goshen, 360 I.C.C. 91 (1979).

A Certificate of Service is attached hereto as Exhibit D, in compliance with 49 CFR §1152.50(d)(2).

VERIFICATION

STATE OF SOUTH CAROLINA

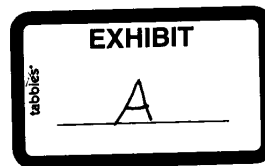
COUNTY OF GREENVILLE

Phyllis Henderson makes oath and says she is the President of the Greenville County Economic Development Corporation applicant herein; that she has been authorized by the applicant (or as appropriate, a court) to verify and file with the Surface Transportation Board the foregoing application in STB AB 490 (Sub-No. ---); that she has carefully examined all of the statements in the application as well as the exhibits attached hereto and made a part thereof; that she has the knowledge of the facts and matters relied upon in the application; and that all representations set forth therein are true and correct to the best of her knowledge, information, and belief.

_____

Subscribed and sworn to before me  and for the State and County above named, this 15 day of May, 2003.

My commission expires 10-31-2012.



Case

Docket No.
AB 312 2 X

Title

SOUTH CAROLINA CENTRAL RAILROAD COMPANY, INC., D/B/A CAROLINA PIEDMONT DIVISION—ABANDONMENT EXEMPTION—GREENVILLE COUNTY, SC

Decision Summary

EXEMPTED FROM THE PRIOR APPROVAL REQUIREMENTS OF 49 U.S.C. 10903 THE ABANDONMENTS BY CPDR, OF 2 SEGMENTS OF ITS LINE OF RAILROAD EXTENDING FROM ; (1) MILEPOST AJK 585.34, IN EAST GREENVILLE, SC, TO MILEPOST AJK 588.63 IN GREENVILLE COUNTY, SC; AND ESTABLISHES A PROCEDURAL SCHEDULE.

Docket No.

Title

Download Files

The WordPerfect (WPD) version of this decision is provided as a courtesy and should not be used for citation purposes. The PDF file represents the official Board decision.

WP Envoy (requires viewer)



- 28836.evy

WordPerfect



- 28836.wpd

If you are attempting to view a .EVY file and do not have an Envoy reader, you may download this free software from [this link](#).

Full Text of Decision

28836

SERVICE DATE - APRIL 1, 1998

EB

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-312 (Sub-No. 2X)

SOUTH CAROLINA CENTRAL RAILROAD COMPANY, INC., D/B/A CAROLINA

PIEDMONT DIVISION—ABANDONMENT EXEMPTION—IN GREENVILLE COUNTY, SC

Decided: March 30, 1998

By petition filed December 12, 1997,⁽¹⁾ South Carolina Central Railroad Company, Inc., d/b/a Carolina Piedmont Division (CPDR), seeks an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon two segments of its line of railroad extending from: (1) milepost AJK 585.34, in East Greenville, SC, to milepost AJK 588.63 in Greenville, SC; and (2) milepost 0.0 to milepost 2.0 in Greenville, a total distance of 5.29 miles, in Greenville County, SC. We will grant the exemption, subject to environmental and standard employee protective conditions.

<http://www.stb.dot.gov/decisions/ReadingRoom.nsf/51d7c65c6f78e79385256541007f0580/8ec84...> 3/24/2003

BACKGROUND

In April 1997, CPDR purchased the northern segment of the line (between milepost 0.0 and milepost 2.0) as part of an 11.8-mile line acquisition from the Greenville & Northern Railway (G&NR). According to CPDR, there are no rail shippers located on the northern segment of the line and no train has operated on this segment since 1993 because one of the bridges partially washed out and the line is in extremely poor condition. CPDR states that, prior to 1993, the northern segment was used by G&NR solely for movements of rail equipment to and from repair and storage facilities near milepost 0.0.

In 1990, CPDR purchased the southern segment of the line (between milepost AJK 585.34 and milepost AJK 588.63) from CSX Transportation, Inc. According to CPDR, Boral Brick Company (BBC) is the only active shipper located on the southern segment, and the only traffic moving over this segment during the past several years has been inbound shipments of brick.⁽²⁾ CPDR states that alternative transportation is available to BBC over the extensive highway network in the area. CPDR asserts that BBC has been using motor carriers to meet more than 95% of its shipping needs and uses rail only as a last resort.

CPDR states that the southern segment of the line is constructed predominantly of 80 and 85 pound rail, rolled between 1910 and 1925, and that the track is in fair condition. In order to continue operating over this segment, however, CPDR submits that an average of 500 ties per mile would need to be replaced and washouts would need to be repaired.

CPDR also provided rehabilitation figures estimating what it would cost to restore the entire line to Federal Railroad Administration (FRA) class 1 standards. According to CPDR, significant work is required on one bridge, about 30% of the ties need to be replaced, additional ballast is required, and nearly 3.2 miles of track will have to be resurfaced. The estimated cost of rehabilitating both the northern and southern segments of the line to FRA class 1 standards is \$128,500.

DISCUSSION AND CONCLUSIONS

Under 49 U.S.C. 10903, a rail line may not be abandoned without our prior approval. Under 49 U.S.C. 10502, however, we must exempt a transaction or service from regulation when we find that: (1) continued regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101; and (2) either (a) the transaction or service is of limited scope, or (b) regulation is not necessary to protect shippers from the abuse of market power.

Detailed scrutiny under 49 U.S.C. 10903 is not necessary to carry out the rail transportation policy. By minimizing the administrative expense of the application process, an exemption will reduce regulatory barriers to exit [49 U.S.C. 10101(7)]. An exemption will also foster sound economic conditions and encourage efficient management by relieving CPDR from the costs of rehabilitating and maintaining the line, and by allowing CPDR to use its assets more productively elsewhere on its system [49 U.S.C. 10101(5) and (9)]. Other aspects of the rail transportation policy will not be affected adversely.

Regulation of the transaction is not necessary to protect shippers from the abuse of market power because there are no shippers on the northern segment of the line and the sole shipper on the southern segment of the line apparently is already using motor carriers to meet the majority of its transportation needs.⁽³⁾ Nevertheless, to ensure that the shipper is informed of our action, we will require CPDR to serve a copy of this decision on BBC within 5 days of the service date of this decision and certify to us that it has done so.

Under 49 U.S.C. 10502(g), we may not use our exemption authority to relieve a carrier of its statutory

obligation to protect the interests of its employees. Accordingly, as a condition to granting this exemption, we will impose the employee protective conditions in Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979).

CPDR has submitted an environmental report with its petition and has notified the appropriate Federal, state, and local agencies of the opportunity to submit information concerning the energy and environmental impacts of the proposed action. See 49 CFR 1105.11. Our Section of Environmental Analysis (SEA) has examined the environmental report, verified the data it contains, and analyzed the probable effects of the proposed action on the quality of the human environment, and served an environmental assessment (EA) on February 10, 1998. In the EA, SEA indicated that the U.S. Department of Commerce, National Geodetic Survey (NGS), has identified two geodetic station markers that could be affected by the proposed abandonment. Therefore, SEA recommends that a condition be imposed requiring CPDR to consult with NGS and provide it with 90 days' notice prior to disturbing or destroying any geodetic marker.

No comments to the EA were filed by the March 12, 1998 due date. Based on SEA's recommendations, we conclude that the proposed abandonment, as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

SEA states that, following the line's abandonment, the right-of-way may be suitable for other public use under 49 U.S.C. 10905. We note that no one has sought a public use condition, and none will be imposed.

It is ordered:

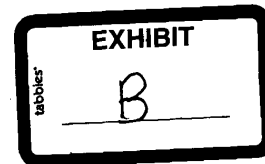
1. Under 49 U.S.C. 10502, we exempt from the prior approval requirements of 49 U.S.C. 10903 the abandonment of the above-described line, subject to the employee protective conditions in Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979), and the condition that CPDR shall consult with the NGS and provide it with 90 days' notice prior to disturbing or destroying any geodetic marker.
2. CPDR must serve a copy of this decision on BBC within 5 days after the service date of this decision and certify to the Board that it has done so.
3. An offer of financial assistance (OFA) under 49 CFR 1152.27(c)(1)⁽⁴⁾ to allow rail service to continue must be received by the railroad and the Board by April 10, 1998, subject to time extensions authorized under 49 CFR 1152.27(c)(1)(i)(C). The offeror must comply with 49 U.S.C. 10904 and 49 CFR 1152.27(c)(1). Each OFA must be accompanied by a \$1,000 filing fee. See 49 CFR 1002.2(f)(25).
4. OFAs and related correspondence to the Board must refer to this proceeding. The following notation must be typed in bold face on the lower left-hand corner of the envelope: "**Office of Proceedings, AB-OFA.**"
5. Provided no OFA has been received, this exemption will be effective on May 1, 1998. Petitions to stay must be filed by April 16, 1998, and petitions to reopen must be filed by April 26, 1998.
6. Pursuant to the provisions of 49 CFR 1152.29(e)(2), CPDR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by CPDR's filing of a notice of consummation by April 1, 1999, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire. If a legal or regulatory barrier to consummation exists at the end of the 1-year period, the notice of consummation must be filed not later than 60 days after satisfaction, expiration or removal of the legal or regulatory barrier.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams

Secretary

1. Notice of the filing was served and published in the Federal Register on December 31, 1997 (62 FR 68352).
2. CPDR indicates that BBC received 50 carloads in 1992, 65 carloads in 1993, 65 carloads in 1994, 34 carloads in 1995, 37 carloads in 1996, and 60 carloads in 1997 (through November).
3. Given our market power finding, we need not determine whether the proposed abandonment is limited in scope.
4. See Abandonment and Discontinuance of Rail Lines and Rail Transportation Under 49 U.S.C. 10903, STB Ex Parte No. 537 (STB served Dec. 24, 1996, and June 27, 1997).



**REHABILITATION OF THE GREENVILLE AND NORTHERN RAILROAD
(COUNTY OF GREENVILLE, SOUTH CAROLINA)**

Track Reconstruction

Cost per lineal foot of track reconstruction for the GCEDC railroad would be approximately \$90 to \$100.

The length of the northern segment is approximately 9.8 miles or 51,744 feet of which 2,200 feet should be subtracted (Western Corridor improvements) leaving approximately 49,544 feet that need rehabilitation.

\$5,000,000

Rail reconstruction

Rehabilitation of trestles/structures.

\$1,000,000

Crossings

There 28 rail crossings along the Greenville and Northern railroad segment that will require new active signal warning system improvements.

\$2,000,000

Reacquisition of right-of-way

To reconnect the northern and southern segments.

\$2,000,000

Total Cost Approximately

\$10,000,000

February 27, 2003

MILE POST 11.8
(APPROXIMATE)

TRAVELERS REST
CITY LIMITS

GCEDC RAILROAD

GREENVILLE
CITY LIMITS

MILE POST 0.0

0 3000' 6000' 9000'



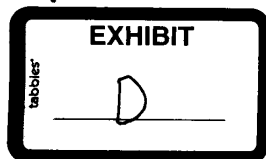
GREENVILLE COUNTY ECONOMIC DEVELOPMENT CORPORATION

Mailing Address:
Patricia Haskell-Robinson, Secretary
c/o The Robinson Company of Greenville, Inc.
610 North Main Street
Greenville, South Carolina 29602
(864) 233-6277 Ext. 306

EXHIBIT

tabbies

C



CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that I have caused the attached papers to be served by mailing a copy thereof, by first class mail, postage prepaid, to the parties shown below at the address(es) shown below, in compliance with 49 CFR §1152.50(d)(1).

Virginia S. Lanford
Virginia S. Lanford

DATE MAILED: May 6, 2003

MAILED TO: Ms. Barbara Hines
Land Section
U.S. National Forest Service
4931 Broad River Road
Columbia, SC 29212

United States Department of Agriculture
Attn: Nancy S. Bryson, Esq., General Counsel
1400 Whitten Bldg. Rm. 107W
Washington, DC 20250-1400

United States Department of Agriculture
Chief of the Forest Service
Washington Office
201 14th & Independence, SW
P.O. Box 96090
Washington, DC 20090-6090

United States Department of Interior
Recreation Resources Assistance Division
Attn: Horace Clark, Esq.
Office of the Solicitor
75 Spring St. SW
Richard Russell Federal Bldg.
Atlanta, GA 30303

United States Department of Interior
The National Park Service
Attn: Horace Clark, Esq.
Office of the Solicitor
75 Spring St. SW

Richard Russell Federal Bldg.
Atlanta, GA 30303

United States Department of Interior
The National Park Service
Southeast Region
Atlanta Federal Center
100 Alabama St. SW
Atlanta, GA 30303

United States Department of Defense
Military Traffic Management Command
Attn: Robert Korpanty
MTMCTEA
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606

South Carolina Public Service Commission
Attn: David Butler, General Counsel
101 Executive Center Drive
Columbia, SC 29210

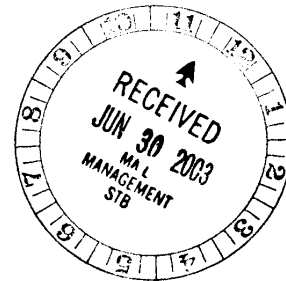
South Carolina Public Service Commission
Attn: Joseph Fianchino, Transportation Department
101 Executive Center Drive
Columbia, SC 29210

DOCUMENT(S) ATTACHED: NOTICE OF EXEMPTION

**NOTICE OF INTENT
TO DISCONTINUE
RAIL SERVICE**

Greenville Corporation gives notice that on or about June 1, 2003, it will discontinue rail service in Washington, DC 20003, a notice of discontinuance under 49 USC 10103. Subsequent to the discontinuance of service on a 13.1 mile line of railroad in and around Washington, DC 20003, the line traverses through ZIP codes 20009, 20003, 20017, 20011, and 20001 and railroad 20011, through the District of Columbia, through United States Postal Service 21 County, South Carolina. The proceeding will be docketed as No. AB 490 (Sub-Ex). Section of Environmental Analysis (SEA) will generally prepare an Environmental Analysis (EA) which will normally be available 35 days after the filing of the notice of discontinuance and energy matters should be filed no later than 15 days after the EA. Because will be addressed in a Board decision. Interested persons may obtain a public record regarding environmental matters by writing to the Section of Environmental Analysis, Washington, DC 20003, or by calling that office at (202) 438-1133. Assistance to continue rail service can be filed with the Board. Requests for public use conditions, or rail banking/trails use, also, can be filed and it is important that such requests be filed as early as possible. The Board may find that raising matters other than environmental issues and offers of financial assistance, must be filed directly with the Board. Contact with Washington, DC 20003 (See 49 CFR 243.10) and 20003 (See 49 CFR 243.10 and 114.310). The public representative (See 49 CFR 114.310). Questions regarding public use or trails use may be directed to the Board's Office of Environmental Analysis at (202) 438-1133. Copies of any comments or requests for financial assistance should be representative: Phillips Henderson, President, Greenville Corporation, 301 Greenville Ridge, Suite 2400, Greenville, SC 29601.

VERIFIED NOTICE OF EXEMPTION
DEPARTMENT OF TRANSPORTATION
Surface Transportation Board



STB No. AB 490 (Sub-No. ---X)

Greenville County Economic Development Corporation-Verified Notice of Exemption

Greenville County Economic Development Corporation (GCEDC) is seeking to discontinue service on its Greenville and Northern (G&N) Railroad Line (the "G&N Line"). GCEDC proposes to consummate the discontinuance of this service on or about July 14, 2003. The discontinuance of service on the G&N Line is exempt under the requirements of 49 CFR 1152.50, as no local traffic has moved over the line for at least two years, any overhead traffic can be rerouted over other lines, and no formal complaint has been filed by a user of rail service on the line. No actual traffic has moved over the G&N Line since 1993 because one of the bridges partially washed out and the line is in extremely poor condition. See Surface Transportation Board Decision, STB Docket No. AB-312 (Sub-No. 2X), Mar. 30, 1998. A copy of this decision is attached hereto as Exhibit A.

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GCEDC is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.

As discussed above, GCEDC seeks Board approval of a discontinuance of service on the line. GCEDC does not desire abandonment of the line.

In compliance with 49 CFR §1152.22(a)(4), a detailed map of the subject line is attached hereto as Exhibit C.

Correspondence in connection with this notice should be sent to Phyllis Henderson, President of GCEDC, at the following address:

301 University Ridge, Suite 2400

Greenville, South Carolina 29601

The G&N Line runs from the City of Greenville, South Carolina, at mile marker 0.0 to the northern limits of the City of Traveler's Rest, South Carolina, at mile marker 11.8, for a distance of 11.8 miles. The G&N Line runs through United States Postal Service ZIP Codes 29690, 29609, 29613, 29617, 29611, and 29601 in Greenville, South Carolina and 29690 in Travelers Rest, South Carolina.

GCEDC is seeking a discontinuance of service, not an abandonment of the G&N Line. Thus, the information required in 49 CFR 1152.22(e)(4) is not applicable in this situation.

This action is exempt from the environmental and historic reporting requirements contained in 49 CFR §§1152.22(f) and 1152.20(d)(2). The proposed action will not exceed the thresholds set forth in 49 CFR §§1105.7 and 1105.8, since the line has not been operational for approximately ten years.

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A Certificate of Service is attached hereto as Exhibit D, in compliance with 49 CFR §1152.50(d)(2).

VERIFICATION

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Phyllis Henderson makes oath and says she is the President of the Greenville County Economic Development Corporation applicant herein; that she has been authorized by the applicant (or as appropriate, a court) to verify and file with the Surface Transportation Board the foregoing application in STB AB 490 (Sub-No. ---); that she has carefully examined all of the statements in the application as well as the exhibits attached hereto and made a part thereof; that she has the knowledge of the facts and matters relied upon in the application; and that all representations set forth therein are true and correct to the best of her knowledge, information, and belief.

Phyllis Henderson

Subscribed and sworn to before me [Signature] and for the State and County above named, this 15 day of May, 2003.

My commission expires 10-31-2012.