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SERVICE DATE – APRIL 5, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-490 (Sub-No. 1X)

GREENVILLE COUNTY ECONOMIC DEVELOPMENT CORPORATION –
ABANDONMENT AND DISCONTINUANCE EXEMPTION – IN GREENVILLE
COUNTY, SC

IN THE MATTER OF A REQUEST TO SET TERMS AND CONDITIONS

Decided: April 4, 2006

By decision and notice of interim trail use or abandonment served on October 12, 2005, the Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903 the abandonment by Greenville County Economic Development Corporation (GCEDC) of approximately 11.8 miles of rail line, extending from milepost 0.0 in Greenville, SC, to milepost 11.8 in Travelers Rest, SC (Northern Segment), and the discontinuance of service by GCEDC over 3.29 miles of rail line, extending from milepost AJK 585.34 in East Greenville, SC, to milepost AJK 588.63 in Greenville (Southern Segment), Greenville County, SC. The exemption was subject to environmental, public use, and trail use conditions, and was scheduled to become effective on November 11, 2005, unless an offer of financial assistance (OFA) was filed on or before October 24, 2005.

On October 3, 2005, Western Carolina Railway Service Corporation (WCRSC) filed an OFA under 49 U.S.C. 10904 and 49 CFR 1152.27(c) to purchase the entire Northern Segment. WCRSC supplemented its OFA filing on October 17, 2006. In a decision served on October 27, 2005 (October 27 decision), WCRSC was found financially responsible and the effective date of the exemption was postponed to permit the OFA process to proceed. The deadline for either party to request the Board to establish the terms and conditions for the purchase of the line if the parties could not agree on a purchase price was extended to February 14, 2006, by decision served on November 15, 2005.

WCRSC subsequently requested that the Board set the terms and conditions for the sale of the Northern Segment because the parties were unable to agree on a sale price. By decision served on March 16, 2006 (March 16 decision), the Board set the purchase price for the line at \$738,000 and established terms for transfer of the line. WCRSC was given until March 27, 2006, to accept the terms and conditions. On March 27, 2006, WCRSC filed a petition to hold in abeyance the deadline for it to accept the terms and conditions established by the Board and to reconsider the March 16 decision. WCRSC's requests for reconsideration and to hold this proceeding in abeyance were denied in a decision served on March 27, 2006. The decision did, however, give WCRSC until 11:59 p.m. on March 27 to file with the Board a notice of intent to

accept or reject the Board's terms and conditions. The Board has not received a notice from WCRSC either accepting or rejecting the terms and conditions.

When an entity offering to purchase a line later is not willing to accept the terms and conditions set by the Board, the Board will serve a decision vacating the decision that postponed the effective date of the decision granting the abandonment exemption. See 49 U.S.C. 10904 and 49 CFR 1152.27(h)(7). Accordingly, the OFA process will be terminated, and the October 27 decision will be vacated to permit the prior abandonment authorization for the line subject to the OFA to become effective on the service date of this decision. Because a sale of the Northern Segment will not occur under the OFA provisions, the public use and trail use conditions imposed in the Board's decision served on October 12, 2005, will run for 180 days from the service date of this decision (until October 2, 2006).

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

It is ordered:

1. The OFA process in this proceeding is terminated.
2. The October 27, 2005 decision is vacated to the extent it postponed the effective date of the abandonment exemption to permit the OFA process to proceed. The abandonment exemption will be effective on the service date of this decision, subject to the previously imposed conditions.
3. This decision is effective on the date of service.

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

Vernon A. Williams
Secretary