

# The Post and Courier

## City seeks rail line injunction

N. Charleston goes to federal court over state's plan

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North Charleston has gone to federal court seeking an injunction to block the state's plans for a rail yard north of the new port.

The city had given notice that it would sue over the rail plan, and filed the suit after the South Carolina Supreme Court declined to hear a petition from the state that was aimed at keeping the state out of the expected legal conflict.

### Read more

Read the [lawsuit here](#).

"It's just a situation where the state, in our estimation, has not lived up to its obligations to the city of North Charleston," said Mayor Keith Summey. "We would love to sit down with them and work it out, but so far they have not brought anything to the table."

At issue are rival plans for port rail service. The city opposes any new rail from the north end of the port because it could harm plans to redevelop that area, and says a 2002 memorandum of understanding with the State Ports Authority precludes such service.

The city takes the position that because the South Carolina Budget and Control Board signed off on the MOU, the state also agreed to that restriction.

The state Commerce Department, however, is pushing a dual-access rail plan that it says is needed to provide equal access for both of the region's two major carriers, Norfolk Southern and CSX Transportation.

That plan would create a large intermodal rail yard north of the new port.

The Ports Authority, which signed the MOU, is now a defendant in the lawsuit along with the state, the Department of Commerce and its Division of Public Railways, the U.S. Army Corps of Engineers and two corps officials.

"The Ports Authority is complying fully with its obligations under the MOU and will continue to do so," said SPA spokesman Byron Miller. "Claims to the contrary are incorrect. While the Ports Authority is not involved in either rail plan, we believe

industries using rail would benefit from a dual-access, regional rail solution that enjoys the support of both railroads."

The city's legal position is that the rail yard is an addition to the terminal, and has not been studied or permitted in accordance with federal environmental regulations.

North Charleston wants an injunction until a supplemental environmental impact statement has been prepared and a modified permit issued.

The suit became available Friday in the U.S. District Court's online filing system.

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