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SERVICE DATE - OCTOBER 25, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-565 (Sub-No. 7X)

NEW YORK CENTRAL LINES, LLC—ABANDONMENT EXEMPTION—
IN SUFFOLK COUNTY, MA

Decided: October 22, 2002

New York Central Lines, LLC (NYC) and CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152.50 Subpart F—Exempt Abandonments and Discontinuances of Service for NYC to abandon and CSXT to discontinue service over approximately 2.17 miles of railroad between milepost QBG-5.7 and milepost QBG-7.87 in Chelsea, Suffolk County, MA. Notice of the exemption was served and published in the Federal Register on March 29, 2002 (66 FR 15281).¹ On April 29, 2002, a decision and notice of interim trail use or abandonment (NITU) was served, reopening the proceeding and authorizing a 180-day period for the City of Chelsea, MA (City), to negotiate an interim trail use/rail banking agreement with NYC for the right-of-way involved in this proceeding.² The negotiating period under the NITU is scheduled to expire on October 27, 2002.

On October 17, 2002, NYC and CSXT requested an extension of the NITU negotiating period until April 28, 2003. NYC states that, over the course of the past several months, it has been negotiating with the City, but has been unable to reach a final agreement with the City on the trail issue.

¹ The notice issued on March 29, 2002, embraced STB Docket No. AB-55 (Sub-No. 605X), CSX Transportation, Inc.—Discontinuance of Service Exemption—in Suffolk County, MA.

² The April 29, 2002 decision also imposed a public use condition (which will expire on October 27, 2002) and imposed conditions that required NYC to: (1) consult with the U.S. Army Corps of Engineers, New England District (Corps) and obtain all applicable Corps permits prior to conducting salvage activities; and (2) consult with the Commonwealth of Massachusetts Office of Coastal Zone Management and if it is determined that a consistency certification is required, NYC shall be prohibited from performing any salvage or abandonment activities until it obtains the consistency certification and NYC shall then notify the Board.

Where, as here, the carriers are willing to continue trail use negotiations, the negotiating period may be extended.³ An extension of the negotiating period will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the negotiating period will be extended to April 28, 2003.

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The negotiating period under the NITU is extended to April 28, 2003.
2. This decision is effective on its service date.

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

Vernon A. Williams
Secretary

³ See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).