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SERVICE DATE – AUGUST 9, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 290 (Sub-No. 291X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN
GRANT COUNTY, IND.

Decided: August 9, 2011

In this decision, an extension is granted for negotiating a trail use/rail banking agreement.

By decision and notice of interim trail use or abandonment (NITU) served on January 28, 2008, a 180-day period was authorized for the City of Marion, Ind. (City), and Greenways Foundation, Inc., to negotiate an interim trail use/rail banking agreement with Norfolk Southern Railway Company (NSR) for 3.66 miles of rail line between mileposts TS 153.35 and TS 157.01 at Marion, in Grant County, Ind. The negotiating period under the NITU was extended several times, most recently (in a decision served Feb. 18, 2011) until August 10, 2011.

By letter dated July 26, 2011, and filed on August 2, 2011, the City has requested another 180-day extension of the NITU negotiating period. The City states that the parties remain engaged in discussions toward an agreement for the acquisition and interim trail use of the line. In a letter filed August 1, 2011, NSR states that it consents to the requested 180-day extension.

Where, as here, the carrier is willing to continue trail use negotiations, the NITU negotiating period may be extended.¹ An extension of time will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. § 1247(d). Accordingly, the NITU negotiating period will be extended for an additional 180 days, to February 6, 2012.

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

It is ordered:

1. The City's request to extend the NITU negotiating period for 180 days is granted.

¹ See Rail Abans.—Use of Rights-of-Way as Trails—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

2. The negotiating period under the NITU is extended to February 6, 2012.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.