

39939
DO

SERVICE DATE – MAY 5, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 670X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN MIDDLESEX
COUNTY, MA

Decided: May 4, 2009

This decision extends the interim trail use negotiating period for the line of railroad authorized for abandonment in this proceeding and extends the date by which the railroad must exercise that authority.

By decision and notice of interim trail use or abandonment (NITU) served on October 25, 2006, the Board granted the petition for exemption filed by CSX Transportation, Inc. (CSXT) for abandonment of a 2.39-mile line known as the Saxonville Industrial Track, running between milepost QBX 0.15 and the end of the line at milepost QBX 2.54, in Middlesex County, MA. The exemption was subject to public use, environmental, and standard employee protective conditions, as well as a trail use condition authorizing a 180-day period for the Town of Natick, MA (Town), to negotiate an interim trail use/rail banking agreement with CSXT for the right-of-way involved in this proceeding. By decisions served on May 23, 2007, December 17, 2007, June 2, 2008, and November 18, 2008, the negotiating period was extended until May 12, 2009. The November 18, 2008 decision also extended the deadline for CSXT to file its notice of consummation until July 11, 2009.

By letter filed on April 23, 2009, the Town filed a request to extend the NITU negotiating period for an additional 180 days. The Town explains that, although it and CSXT have not reached an agreement regarding the NITU, the parties desire to continue negotiations. The Town states that it has completed its appraisal and that the appraisal is currently under review before formal acceptance. By letter filed on April 29, 2009, CSXT states that it concurs with the Town's extension request. CSXT also requests an extension of the consummation notice filing deadline to January 7, 2010.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. An extension of the negotiating period will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d).¹ Accordingly, the NITU negotiating period will be extended until November 8, 2009, and the deadline for CSXT's filing of a notice of consummation will be extended to January 7, 2010.

¹ See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

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

It is ordered:

1. The Town's request to extend the NITU negotiating period is granted.
2. CSXT's request to extend the date by which it must file a notice of consummation is granted.
3. The negotiating period under the NITU is extended to November 8, 2009.
4. The authority to abandon must be exercised on or before January 7, 2010.
5. This decision is effective on its date of service.

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

Anne K. Quinlan
Acting Secretary