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SERVICE DATE – APRIL 28, 2005

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: April 27, 2005

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 (67 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 was extended several times. The latest extension, granted by decision served on October 27, 2004, is scheduled to expire on April 28, 2005. The October 27, 2004 decision also extended the deadline for CSXT to file its notice of consummation until June 28, 2005.

On April 7, 2005, CSXT filed a request to extend the NITU negotiation period until October 25, 2005. CSXT states that it has not consummated the abandonment, that it has been unable to finalize negotiations with the City, and that it desires to continue to negotiate interim trail use/rail banking with the City. Additionally, CSXT requests an extension of the consummation deadline until December 26, 2005.

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 environmental conditions.

Because an extension of the consummation notice filing deadline and the NITU 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), and the rail carrier has indicated its willingness to continue negotiations by requesting an extension, the requested extensions will be granted. See Policy Statement on Rails to Trails Conversion, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990). Accordingly the NITU negotiation period will be extended until October 25, 2005, and the consummation notice filing deadline will be extended to December 26, 2005.³

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

It is ordered:

1. CSXT's request for an extension of the negotiating period and its request for an extension of the time to exercise abandonment authority are granted.
2. The negotiating period under the NITU is extended to October 25, 2005.
3. The authority to abandon must be exercised on or before December 26, 2005.
4. This decision is effective on its service date.

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

Vernon A. Williams
Secretary

³ Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings.