

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 691X)

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

Decided: November 19, 2009

CSX Transportation, Inc. (CSXT), filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments for CSXT to abandon a 4.2-mile line of railroad between milepost QBU 0.0 (Fitchburg) and milepost QBU 4.2 (Leominster), in Worcester County, MA. Notice of the exemption was served and published in the Federal Register on November 20, 2008 (73 FR 70405-06). The exemption became effective on December 20, 2008. In the November 20, 2008 notice, the Board stated that, if consummation had not been effected by CSXT's filing of a notice of consummation by November 20, 2009, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire.¹

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. On November 19, 2009, CSXT filed a request to extend, until November 20, 2010, the time to file its notice of consummation. In support, CSXT states that it is negotiating for the sale of the line to Fitchburg and Leominster (collectively, the Cities). CSXT notes that trail use is one of the options the Cities are considering, but that the parties have not reached an agreement to date. CSXT has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding. Accordingly, the request will be granted.

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 time to consummate the abandonment is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before November 20, 2010.

¹ By decision served on December 17, 2008, the exemption was made subject to one environmental consultation condition that is not a barrier to CSXT's consummation of the abandonment.

3. This decision is effective on its service date.

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