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SERVICE DATE - JULY 31, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-565 (Sub-No. 2X)

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

Decided: July 25, 2002

New York Central Lines, LLC (NYC) and CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments and Discontinuances of Service for NYC to abandon and CSXT to discontinue service over approximately 4.17 miles of railroad between milepost QBH-2.60 near Sherborn and milepost QBH-6.77 near Holliston, in Middlesex County, MA. Notice of the exemption was served and published in the Federal Register on August 2, 2001 (66 FR 40314-15).¹ On August 31, 2001, a decision and notice of interim trail use or abandonment (NITU) was served, reopening the proceeding and authorizing a 180-day period for the Town of Sherborn (Sherborn) and the Town of Holliston (Holliston) to negotiate an interim trail use/rail banking agreement with NYC for the entire line.² The NITU negotiating period was extended to August 28, 2002, by decision served February 27, 2002.³

On July 11, 2002, NYC and CSXT requested an extension of the NITU negotiating period for 6 months, until February 28, 2003. NYC and CSXT state that the parties have been unable to finalize negotiations but desire to continue negotiations for acquisition of the right-of-way.

¹ The notice issued on August 2, 2001, embraced STB Docket No. AB-55 (Sub-No. 594X), CSX Transportation, Inc.–Discontinuance of Service Exemption–in Middlesex County, MA.

² The August 31 decision also imposed a 180-day public use condition that expired on February 28, 2002.

³ By decision served September 10, 2001, the proceeding was reopened and the exemption was made subject to the condition that NYC retain its interest in and take no steps to alter the historic integrity of the line until completion of the section 106 process of the National Historic Preservation Act (NHPA). By decision served May 1, 2002, the historic condition was modified to provide that NYC retain its interest in and take no steps to alter the historic integrity of the bridges identified (Bogastow Brook Bridge, Highland Street Tunnel, the Arch Street Bridge, the Exchange Street Railroad Bridge, and the Winthrop Can Bridge) until completion of the section 106 process of the NHPA.

Where, as here, the carriers are willing to continue trail use negotiations, the negotiating period may be extended.⁴ 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 February 28, 2003.

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 February 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

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