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SERVICE DATE - MARCH 20, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 580X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–IN MUHLENBERG
AND MCLEAN COUNTIES, KY

Decided: March 15, 2002

A decision and notice of interim trail use or abandonment (NITU) served on December 22, 2000, authorized CSXT Transportation, Inc. (CSXT) to abandon a 7.48-mile portion of its rail line in the Midwest Region, known as its Nashville Division, O&N Nashville Subdivision, extending from milepost 00D-186.35 near Mooman in Muhlenberg County, KY, to milepost 00D-193.83 near Livermore in McLean County, KY. The December 22, 2000 decision also: (1) authorized a 180-day period for the Counties of McLean and Muhlenberg, KY, and the City of Island, KY, to negotiate an interim trail use/rail banking agreement with CSXT; and (2) stated that, if consummation of the abandonment has not been effected by CSXT's filing of a notice of consummation by December 22, 2001, or within 60 days of satisfaction, expiration, or removal of any legal or regulatory barrier to consummation, the authority to abandon will automatically expire. By decisions served July 12, 2001, and September 18, 2001, the NITU negotiating period was extended until September 18, 2001, and January 31, 2002, respectively, to allow the parties to finalize trail use negotiations.

Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension to time to file a notice of consummation in abandonment proceedings. On March 6, 2002, CSXT filed a request to extend, until June 30, 2002, the time to consummate the abandonment and to file its notice of consummation.¹ CSXT states that, because it appeared that the County had lost interest in developing a trail, CSXT recently allowed the NITU negotiation period to lapse.

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 and the deadline for filing the notice of consummation will be extended to June 30, 2002.

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

¹ Under 49 CFR 1152.29(e)(2), the current due date for consummation is 60 days after expiration of the January 31, 2002 NITU deadline, which had been a barrier to consummation, or April 1, 2002.

It is ordered:

1. CSXT's request for an extension of time to exercise the abandonment authority is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before June 30, 2002.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary