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SERVICE DATE – FEBRUARY 27, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 265X)

NORFOLK SOUTHERN RAILWAY COMPANY–ABANDONMENT EXEMPTION–
IN CALHOUN COUNTY, AL

Decided: February 26, 2007

Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 5.8-mile line of railroad between milepost 55.3-N, at Fort McClellan, and milepost 61.1-N, at Anniston, in Calhoun County, AL. Notice of the exemption was served and published in the Federal Register on February 2, 2006 (71 FR 5734-35). By decision and notice of interim trail use or abandonment (NITU) served on March 3, 2006, the proceeding was reopened and a 180-day period was authorized for the City of Anniston (the City) to negotiate an interim trail use/rail banking agreement with NSR for the right-of-way involved in this proceeding.¹ The negotiating period was extended through February 27, 2007, by a decision served on August 31, 2006. The Board also granted NSR's request to extend the consummation notice filing deadline to April 28, 2007.

On February 21, 2007, the City filed a request to further extend the negotiating period an additional 180 days (until August 26, 2007). The City states that negotiations have been delayed while NSR acquires appraisals for the corridor. However, the City anticipates that active negotiations will resume in the very near future. NSR, in a letter filed on February 20, 2007, concurs with the request for an extension. NSR additionally requests an extension of the notice of consummation deadline until 60 days after the expiration of the extended NITU negotiating period (until October 25, 2007).

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 trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d).² Accordingly, the NITU negotiating period will be extended for an additional 180 days from February 27, 2007 (until August 26, 2007), and the deadline for NSR's filing of a notice of consummation will be extended until October 25, 2007.

¹ The decision and notice also made the exemption subject to several environmental conditions and a public use condition. The public use condition expired on August 31, 2006, and cannot be extended.

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

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

It is ordered:

1. The City's request to extend the NITU negotiating period and NSR's request to extend the time to exercise the abandonment authority are granted.
2. The negotiating period under the NITU is extended for 180 days until August 26, 2007.
3. The authority to abandon must be exercised on or before October 25, 2007.
4. This decision is effective on the date of service.

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

Vernon A. Williams
Secretary