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SERVICE DATE - MARCH 17, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-565 (Sub-No. 6X)

NEW YORK CENTRAL LINES, LLC–ABANDONMENT
EXEMPTION–IN SHELBY COUNTY, OH

Decided: March 13, 2003

New York Central Lines, LLC (NYC) and CSX Transportation, Inc. (CSXT) (collectively, applicants) 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 .90 miles of railroad between milepost QIO 163.98 and milepost QIO 163.08 in Sidney, Shelby County, OH. Notice of the exemption was served and published in the Federal Register on March 25, 2002 (67 FR 13678-79).¹ The notice stated that, if consummation has not been effected by NYC's filing of a notice of consummation by March 25, 2003, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire.²

On March 7, 2003, CSXT, on behalf of NYC, filed a request to extend the deadline for filing its notice of consummation until September 25, 2003. The request will be granted.

¹ The notice issued March 25, 2002, embraced STB Docket No. AB-55 (Sub-No. 604X), CSX Transportation, Inc.–Discontinuance of Service Exemption–in Shelby County, OH.

² By decision served April 23, 2002, the exemption was made subject to the conditions that NYC: (a) retain its interest in and take no steps to alter the historic integrity of the right-of-way until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f; (b) consult with the National Geodetic Survey (NGS) and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers in order to plan for their potential relocation; and (c) save trees exhibiting characteristics of the Indiana bat habitat wherever possible, and if the trees must be cut, they should not be cut between April 15 and September 15, and, if this time restriction is unacceptable, a survey to determine if bats are present shall be conducted in coordination with the U.S. Department of the Interior, Fish and Wildlife Service, Ecological Services, Reynoldsburg Ohio Office endangered species coordinator. By decision served March 3, 2003, the section 106 condition was removed. The March 3 decision also noted that the other conditions imposed in the April 23 decision remain.

As conditioned, this action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. NYC's request for an extension of time to exercise the abandonment authority is granted.
2. The authority to abandon must be exercised on or before September 25, 2003.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary