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SERVICE DATE – FEBRUARY 22, 2006

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: February 21, 2006

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 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). 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 applicants for the right-of-way in this proceeding. At the request of CSXT, the negotiating period under the NITU was extended several times; the latest extension decision, served on August 18, 2005, extended the negotiation period until February 22, 2006. The August 18, 2005 decision also extended the deadline for CSXT to file its notice of consummation until April 26, 2006.

By letter filed on February 17, 2006, CSXT requested an extension of the NITU negotiating period until August 21, 2006, stating that CSXT, as successor by merger to NYC, has not consummated the abandonment and has been unable to finalize negotiations, but desires to continue negotiations with Sherborn and Holliston. Additionally, CSXT requested an extension of the consummation notice filing deadline until October 20, 2006.¹

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.² 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 August 21, 2006, and the consummation deadline will be extended to October 20, 2006.

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.

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

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 to extend the NITU negotiating period and its request for an extension of time to exercise the abandonment authority are granted.
2. The negotiating period under the NITU is extended to August 21, 2006.
3. The authority to abandon must be exercised on or before October 20, 2006.
4. This decision is effective on its service date.

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

Vernon A. Williams
Secretary