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SERVICE DATE – LATE RELEASE AUGUST 25, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 291X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN  
GRANT COUNTY, IN

Decided: August 25, 2008

Norfolk Southern Railway Company (NSR) filed a petition seeking an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon 3.66 miles of rail line between mileposts TS 153.35 and TS 157.01 at Marion, in Grant County, IN. Notice of the filing was served and published in the Federal Register on October 30, 2007 (72 FR 61421). The exemption became effective on February 27, 2008.

By decision and notice of interim trail use or abandonment (NITU) served on January 28, 2008 (January 28 decision), a 180-day period was authorized for the City of Marion, IN, and Greenways Foundation, Inc. (together, proponents), to negotiate an interim trail use/rail banking agreement with NSR for the right-of-way involved in this proceeding pursuant to the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The trail use negotiation period under the NITU is scheduled to expire on August 25, 2008.<sup>1</sup>

By letter filed on August 7, 2008, proponents have requested a 180-day extension of the NITU negotiating period. By letter filed on the same date, NSR has consented to proponents' NITU extension request.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.<sup>2</sup> An extension of the negotiating period will promote the establishment of trails and rail banking consistent with the Trails Act. Accordingly, the NITU negotiating period will be extended for 180 days from August 25, 2008, to February 21, 2009.

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<sup>1</sup> In addition to interim trail use, the January 28 decision also imposed a public use condition that will expire on August 25, 2008, and may not be extended, and a consultation condition regarding the salvage of the line.

<sup>2</sup> 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. Proponents' request to extend the NITU negotiating period for 180 days is granted.
2. The negotiating period under the NITU is extended to February 21, 2009.
3. This decision is effective on its service date.

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

Anne K. Quinlan  
Acting Secretary