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SERVICE DATE - MARCH 13, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 574X)

CSX TRANSPORTATION, INC.--ABANDONMENT EXEMPTION--IN
HARLAN COUNTY, KY

Decided: March 7, 2000

On June 23, 1999, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for the Harlan County Fiscal Court (HCFC) to negotiate an interim trail use/rail banking agreement with CSX Transportation, Inc. (CSXT) for an approximately 1.05-mile line of railroad between milepost OYC-250.40 at Evarts and milepost OYC-251.45 at Woods, in Harlan County, KY.¹ The 180-day negotiating period was scheduled to expire on December 17, 1999, but was extended through March 16, 2000, by decision served December 28, 1999.

On February 28, 2000, CSXT filed a request to extend the negotiation period for an additional 90 days, until June 16, 2000.² CSXT states that it does not appear that negotiations between the parties (CSXT and Harlan County) will be reached by March 16, 2000.

Where as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.³ CSXT has shown that the additional time is necessary to complete negotiations. An extension of the negotiation 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 June 14, 2000.

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

It is ordered:

1. The negotiating period under the NITU is extended for an additional 90 days to

¹ Notice of the exemption was served and published in the Federal Register on May 21, 1999 (64 FR 27852).

² As the NITU is scheduled to expire on March 16, 2000, a 90-day extension would run until June 14, 2000.

³ See Rail Abandonments — Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).

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June 14, 2000.

2. This decision is effective on its service date.

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

Vernon A. Williams
Secretary