

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: June 8, 2001

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.<sup>1</sup> At CSXT's request, the negotiating period under the NITU was extended by decisions served December 28, 1999, March 13, 2000, June 13, 2000, and January 19, 2001. The latest extension is scheduled to expire on June 11, 2001.

By facsimile received on June 6, 2001, CSXT requests an extension of the NITU negotiation period until September 11, 2001. CSXT states that the parties (CSXT and HCFC) have been unable to complete negotiations and that it will likely not seek any further extensions unless negotiations are substantially completed by September 11, 2001.

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).<sup>2</sup> Accordingly, the negotiating period will be extended to September 11, 2001.

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 to September 11, 2001.

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

<sup>2</sup> See Rail Abandonments--Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).

2. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary