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SERVICE DATE - FEBRUARY 28, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 621X)

CSX TRANSPORTATION, INC.–ABANDONMENT
EXEMPTION–IN MARION COUNTY, IN

Decided: February 26, 2003

CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 0.61-mile portion of its Sequoia Supply Industrial Track extending from milepost BD-127.190, at the east side of Holmes Street (marked on the ground as milepost BD-126.9), to milepost BD-127.80 (end of track), in Indianapolis, Marion County, IN.¹ By decision served August 29, 2002, the proceeding was reopened and the Indiana Trails Fund, Inc. was authorized to negotiate an interim trail use/banking agreement with CSXT, pursuant to section 8(d) of the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act).² The negotiating period under the NITU is scheduled to expire on March 2, 2003.

On February 11, 2003, CSXT filed a request for an extension of the trail use negotiating period until September 2, 2003, to complete negotiations. CSXT states that the parties have been unable to finalize the trail negotiations.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.³ An extension of the negotiating period will promote the establishment of trails and rail banking consistent with the Trails Act. Accordingly, the negotiating period will be extended to September 2, 2003.

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

¹ Notice of the exemption was served and published in the Federal Register on August 2, 2002 (67 FR 50507-08).

² The August 29 decision also imposed a public use condition that is scheduled to expire on March 2, 2003.

³ See Rail Abandonments–Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

It is ordered:

1. CSXT's request to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended to September 2, 2003.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary