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SERVICE DATE - DECEMBER 30, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 612X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN GREENVILLE, SC

Decided: December 23, 2003

By decision and notice of interim trail use or abandonment (NITU) served on July 15, 2002, a 180-day period was authorized for the City of Greenville (the City) to negotiate an interim trail use/rail banking agreement with CSX Transportation, Inc. (CSXT) for approximately 1.31 miles of rail line between Valuation Station 47+50 and Valuation Station 115+11.5 in Greenville, Greenville County, SC. The negotiating period under the NITU was scheduled to expire on January 11, 2003, but has been extended to January 6, 2004, by decisions served on December 20, 2002, and July 2, 2003.¹

By letter filed on December 16, 2003, the City requests an extension of the negotiating period for an additional 180 days because it is developing a Phase II Environmental Assessment, using funds from a federal Brownsfield Grant, which will require some additional time to complete. By facsimile received on December 18, 2003, CSXT states that it agrees to the extension and is willing to continue negotiations with the City.

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 NITU negotiating period will be extended for an additional 180 days from January 6, 2004.

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

¹ The July 15 decision also imposed a 180-day public use condition that expired on December 8, 2002.

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

It is ordered:

1. The request to extend the NITU negotiating period is granted.
2. The NITU negotiating period is extended until July 4, 2004.
3. This decision is effective on the date of service.

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

Vernon A. Williams
Secretary