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SERVICE DATE - LATE RELEASE JULY 27, 2000

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE/ABANDONMENT

STB Docket No. AB-290 (Sub-No. 206X)

NORFOLK SOUTHERN RAILWAY COMPANY--ABANDONMENT  
EXEMPTION--IN MADISON COUNTY, IL

Decided: July 27, 2000

Norfolk Southern Railway Company (NS) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon a 7.5-mile line of railroad between milepost A-13.0 at Bluffs Junction to milepost A-20.5 at Troy Junction, in Edwardsville, Madison County, IL. Notice of the exemption was served and published in the Federal Register on August 16, 1999 (64 FR 44576-77).

On September 14, 1999, a decision and notice of interim trail use or abandonment (NITU) was served, that reopened the proceeding to implement interim trail use/rail banking for the entire line under 49 CFR 1152.29 and the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act), and provided a 180-day period for the Madison County Metro-East Transit (Madison Transit) to negotiate an interim trail use/rail banking agreement with NS for the right-of-way involved in this proceeding.<sup>1</sup> The negotiating period under the NITU expired on March 13, 2000, but was extended through July 27, 2000, by decision served June 23, 2000.

By motion filed July 25, 2000, Madison Transit requests extension of the negotiating period for an additional 180 days (until January 23, 2001). Madison Transit states that it believes that an agreement in principle has been reached with NS for the acquisition of this line and an additional line in AB-290 (Sub-No. 203X).<sup>2</sup> Madison Transit also states that, due to

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<sup>1</sup> The September 14, 1999 decision also imposed environmental conditions that NS: (a) be prohibited from cutting any trees along the right-of-way during any salvage operations performed between April 1 and September 30; (b) cease salvage operations, if the eastern prairie fringed orchid is found, and consult with the U.S. Fish and Wildlife Service (FWS) and abide by the FWS conditions for preservation of the orchid and (c) consult with the Illinois Environmental Protection Agency and develop an acceptable method of disposing of old wood cross ties and other treated wood materials prior to salvage operations.

<sup>2</sup> The additional property at issue was the subject of a petition for exemption in Norfolk Southern Railway Company--Abandonment Exemption--in Madison and Bond Counties, IL, STB Docket No. AB-290 (Sub-No. 203X) (STB served Nov. 6, 1998). On February 3, 1999, a NITU was served in the Sub-No. 203X proceeding granting Madison Transit's request for its issuance  
(continued...)

complexities in compiling information for the final contract and the absence of key personnel for business trips and vacations, the parties (Madison Transit and NS) have not yet executed a final contract. By facsimile filed on July 26, 2000, NS advised that it consents to the extension request.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.<sup>3</sup> Under the circumstances, an extension of the negotiating period is warranted and will promote the establishment of trail use and rail banking consistent with the Trails Act. Accordingly, the negotiating period will be extended to January 23, 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 negotiation period under the NITU is extended to January 23, 2001.
2. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary

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<sup>2</sup>(...continued)

for the portion of the right-of-way between milepost TS-410.91 and milepost TS-444.2. On March 17, 1999, an amended NITU was issued to implement interim trail use/rail banking for an additional portion of the right-of-way between milepost TS-410.91 and milepost TS-406.6. The negotiating period was extended to July 27, 2000, by decisions served July 30, 1999, and January 27, 2000. On July 26, 2000, Madison Transit requested an extension of the negotiating period in the Sub-No. 203X proceeding until January 23, 2001. That extension request is being granted in a separate decision being served today (July 27, 2000).

<sup>3</sup> See Rail Abandonment–Supplemental Trails Act Procedures, 4 I.C.C.2d 153 (1987).