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SERVICE DATE - JANUARY 29, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 591X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—  
IN CLARK AND FLOYD COUNTIES, IN

Decided: January 28, 2003

CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 3.8-mile line of railroad between milepost B-50.5 near Clarksville and milepost B-54.3 near New Albany, in Clark and Floyd Counties, IN.<sup>1</sup> On August 7, 2001, a decision and notice of interim trail use or abandonment (NITU) was served reopening the proceeding and authorizing a 180-day period for the Civil Town of Clarksville, IN, the City of New Albany, IN, and the City of Jeffersonville, IN (collectively Proponents) to negotiate an interim trail use/rail banking agreement with CSXT for the right-of-way involved in this proceeding.<sup>2</sup> At the request of CSXT, the negotiating period under the NITU was extended by decisions served on January 31, 2002, and June 18, 2002. The latest extension is scheduled to expire on February 3, 2003.

On January 24, 2003, CSXT filed a request to extend the NITU negotiation period until August 4, 2003. CSXT states that the parties (CSXT and Proponents) are unable to complete the transaction by February 3, 2003, and that an extension of the negotiating period is necessary to finalize negotiations.

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 trail use and

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<sup>1</sup> Notice of the exemption was served and published in the Federal Register on July 9, 2001 (66 FR 35826-27).

<sup>2</sup> The August 7 decision also imposed several environmental conditions.

rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d).<sup>3</sup> Accordingly, the NITU negotiating period will be extended to August 4, 2003.<sup>4</sup>

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

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 August 4, 2003.
3. 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>3</sup> See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).

<sup>4</sup> Although the request slightly exceeds the customary request of 180 days, the Board has granted such requests in the past. See, e.g., Southern Pacific Transportation Company—Abandonment Exemption—In Jackson, Victoria and Wharton Counties, TX, STB Docket No. AB-12 (Sub-No. 162X) (STB served May 29, 1996).