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SERVICE DATE - APRIL 3, 1997

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB-290 (Sub-No. 168X)

NORFOLK AND WESTERN RAILWAY COMPANY--ABANDONMENT
EXEMPTION--BETWEEN KOKOMO AND ROCHESTER IN HOWARD,
MIAMI, AND FULTON COUNTIES, IN

Decided: March 28, 1997

On May 14, 1996, a decision and notice of interim trail use or abandonment (NITU) was served authorizing a 180-day period for the Hoosier Rails-to-Trails Council, Inc. (HRTTC), and Indiana Trails Fund, Inc. (ITF), to negotiate an interim trail use/rail banking agreement with Norfolk and Western Railway Company (N&W) for the segment of the line between milepost I-57.2 at or near Kokomo, IN, and milepost I-74.2 at Peru, IN. The negotiation period is scheduled to expire on April 5, 1997.¹

On March 25, 1997, ITF filed a request to extend the negotiation period for an additional 180 days. ITF states that, despite diligent attempts, the parties have been unable to conclude negotiations. Attached to ITF's letter is a letter dated March 24, 1997 from N&W indicating its consent to a 180-day extension of the NITU negotiation period.

The requested extension of the negotiation period under the NITU will be granted. It will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The purpose of the Trails Act is to preserve rail corridors for possible reactivation of rail service by permitting and encouraging their interim use as recreational trails. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990).

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

It is ordered:

1. ITF's request to extend the interim trail use negotiation period is granted.
2. The negotiating period under the NITU is extended to October 2, 1997.
3. This decision is effective on its service date.

¹ Because of the pendency of an offer of financial assistance to purchase the line, which was not consummated, the exemption did not become effective until October 7, 1996, and on that date the 180-day negotiation period began. See Norfolk and Western Railway Company--Abandonment Exemption--Between Kokomo and Rochester in Howard, Miami, and Fulton Counties, IN (STB served Feb. 7, 1997).

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

Vernon A. Williams
Secretary