

28969
DO

SERVICE DATE - FEBRUARY 27, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-468 (Sub-No. 2X)

PADUCAH & LOUISVILLE RAILWAY, INC.--ABANDONMENT
EXEMPTION--IN WHITE PLAINS AND ST. CHARLES, KY

Decided: February 24, 1998

On August 25, 1997, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for Kentucky Rails to Trails Council, Inc. (KRTC), to negotiate an interim trail use/rail banking agreement with Paducah & Louisville Railway, Inc. (P&L) for approximately 8.50 miles of railroad between milepost J-146.0 at White Plains and milepost J-154.5 near St. Charles, in Hopkins County, KY. The 180-day period under the NITU expired on February 22, 1998.

By letter filed February 18, 1998, KRTC requests an extension of the negotiation period stating that P&L is agreeable to the extension request. By facsimile dated February 19, 1998, P&L also filed a request for an extension of the NITU until March 22, 1998. The parties state that they have entered into negotiations for the acquisition of P&L's interest in the railbed and that information has been provided concerning the ownership of the rail line. Finally, the parties state that KRTC is working to establish a local group to undertake the development of the trail and to assure the funding to acquire P&L's interest in the right-of-way.

The negotiation period under the NITU will be extended to March 22, 1998.¹ It will promote the establishment of trails 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 Even if the negotiating period has expired, where a carrier seeks a continuation of the negotiations and has not abandoned the line at the end of the previously imposed period, the Board continues to have jurisdiction to grant an extension. See Consolidated Rail Corp.--Aband. Exempt.--Lancaster and Chester Counties, PA, Docket NO. AB-167 Sub-No. 1095X) (ICC served July 24, 1991).

STB Docket No. AB-468 (Sub-No. 2X)

1. The negotiating period under the NITU is extended to March 22, 1998.
2. The decision is effective on its service date.

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

Vernon A. Williams
Secretary