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SERVICE DATE - JANUARY 11, 2000

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-55 (Sub-No. 576X)

CSX TRANSPORTATION, INC.--ABANDONMENT EXEMPTION--
IN GUERNSEY COUNTY, OH

Decided: January 6, 2000

By decision served November 22, 1999, the Board granted CSX Transportation, Inc. (CSXT) an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon an approximately 7.79-mile portion of its Louisville Service Lane, Central Ohio Subdivision, between milepost BP-49.49 near Cambridge and milepost BP-41.70 at the end of the track at Gibson, in Guernsey County, OH, subject to environmental and standard employee protective conditions. The exemption was scheduled to become effective on December 22, 1999.

On December 20, 1999, the Cambridge-Guernsey County Community Improvement Corporation (CIC), filed a request for issuance of a notice of interim trail use (NITU) under the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act), to enable it to negotiate with CSXT for use of the line as a trail. CIC submitted a statement indicating its willingness to assume full responsibility for management of, and liability and payment of taxes for, the right-of-way, as required by 49 CFR 1152.29, and acknowledged that the use of the right-of-way for trail purposes is subject to restoration for rail purposes. By letter filed December 28, 1999, CSXT indicated its willingness to negotiate with CIC for interim trail use and rail banking of the line.

Because CIC's request complies with the requirements of 49 CFR 1152.29 and CSXT is willing to enter into negotiations, a NITU will be issued. The parties may negotiate an agreement during the 180-day period prescribed below. If the parties reach a mutually acceptable final agreement, no further Board action is necessary. If no agreement is reached within 180 days, CSXT may fully abandon the line. See 49 CFR 1152.29(d)(1). Use of the right-of-way for trail purposes is subject to restoration for railroad purposes.

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

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the decision served on November 22, 1999, exempting the abandonment by CSXT of the line described above, is modified to the extent necessary to implement

interim trail use/rail banking as set forth below for a period of 180 days after the December 22, 1999 effective date (until June 19, 2000).

3. If an interim trail use/rail banking agreement is reached, it must require the trail user to assume, for the term of the agreement, full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way.

4. Interim trail use/rail banking is subject to the future restoration of rail service and to the user continuing to meet the financial obligations for the right-of-way.

5. If interim trail use is implemented, and subsequently the user intends to terminate trail use, it must send the Board a copy of this decision and notice and request that it be vacated on a specified date.

6. If an agreement for interim trail use/rail banking is reached by June 19, 2000, interim trail use may be implemented. If no agreement is reached by that time, CSXT may fully abandon the line.

7. This decision is effective on its service date.

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

Vernon A. Williams
Secretary