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SERVICE DATE – AUGUST 18, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-565 (Sub-No. 2X)

NEW YORK CENTRAL LINES, LLC–ABANDONMENT
EXEMPTION–IN MIDDLESEX COUNTY, MA

Decided: August 17, 2005

New York Central Lines, LLC (NYC) and CSX Transportation, Inc. (CSXT) (collectively, applicants) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments and Discontinuances of Service for NYC to abandon and CSXT to discontinue service over approximately 4.17 miles of railroad between milepost QBH-2.60 near Sherborn and milepost QBH-6.77 near Holliston, in Middlesex County, MA. Notice of the exemption was served and published in the Federal Register on August 2, 2001 (66 FR 40314-15). On August 31, 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 Town Sherborn (Sherborn) and the Town of Holliston (Holliston) to negotiate an interim trail use/rail banking agreement with applicants for the right-of-way in this proceeding. At the request of CSXT, the negotiating period under the NITU was extended several times; the latest extension decision, served on March 29, 2005, extended the negotiating period until August 26, 2005. The March 29, 2005 decision also extended the deadline for CSXT to file its notice of consummation until October 25, 2005.

On July 29, 2005, CSXT filed a request to extend the NITU negotiation period until February 22, 2006. CSXT states that it has not consummated the abandonment and has been unable to finalize negotiations, but desires to continue negotiations with Sherborn and Holliston. Additionally, CSXT requested an extension of the consummation notice filing deadline until April 26, 2006.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.¹ An extension of the negotiating period will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d).

¹ See Rail Abandonments–Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

Accordingly, the negotiating period will be extended to February 22, 2006, and the consummation due date will be extended to April 26, 2006.

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 for an extension of the negotiating period and its request for an extension of time to exercise abandonment authority are granted.
2. The negotiating period under the NITU is extended to February 22, 2006.
3. The authority to abandon must be exercised on or before April 26, 2006.
4. This decision is effective on its date of service.

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

Vernon A. Williams
Secretary