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SERVICE DATE - MARCH 27, 1998

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 24, 1998

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. 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. On that date the initial 180-day negotiating period began, but before it expired on April 5, 1997, it was extended to October 2, 1997, by decision served April 3, 1997, and again to March 31, 1998, by decision served September 30, 1997.

On March 20, 1998, 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, and that the additional time is needed for them to do so. By letter also filed March 20, 1998, N&W states that it has not consummated the abandonment of the line and that it consents to the extension request.

Because N&W is willing to continue trail use negotiations with ITF and an extension of the negotiation period 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 requested extension of the negotiation period under the NITU will be granted. 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 action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

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

1. ITF's request to extend the negotiation period under the NITU for an additional 180 days is granted.
2. The negotiation period under the NITU is extended to September 27, 1998.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary