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SERVICE DATE - OCTOBER 27, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 547X)

CSX TRANSPORTATION, INC.--ABANDONMENT
EXEMPTION--IN MUSKEGON COUNTY, MI

Decided: October 23, 1998

A decision and notice of interim trail use or abandonment (NITU) was served on August 14, 1997, authorizing a 180-day period for the Michigan Department of Natural Resources (MDNR) to negotiate an interim trail use/rail banking agreement with CSX Transportation, Inc. (CSXT). The line involved is a 10.13-mile portion of CSXT's Detroit Division, Montague Subdivision, that extends from milepost 62.12 at Berry to milepost 72.25 at the end of track at Montague, and includes a 3.5-mile industrial lead track at Montague, for a total of 13.63 miles, in Muskegon County, MI. Subsequently, by decisions served March 10, 1998, and August 7, 1998, the NITU negotiation period was extended for 180 days and 60 days, respectively, or until October 8, 1998.

By letter-request filed October 5, 1998, MDNR seeks an additional 60-day extension of the NITU negotiation period, stating that an agreement is expected to be completed within 60 days. CSXT agrees to the extension.

Where, as here, the carrier has not consummated the abandonment at the end of the previously imposed negotiating period and is willing to continue trail use negotiations, the Board retains jurisdiction to extend the NITU negotiating period.¹

Because 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), and the parties agree on the necessity for the extension, the request will be granted. Accordingly, the NITU negotiation period will be extended until December 7, 1998.

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

It is ordered:

1. MDNR's request to extend the NITU negotiation period is granted.
2. The NITU negotiation period is extended until December 7, 1998.

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

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3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary