

35818  
DO

SERVICE DATE - LATE RELEASE APRIL 21, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-565 (Sub-No.14X)

NEW YORK CENTRAL LINES, LLC—ABANDONMENT EXEMPTION—  
IN MONTGOMERY AND SCHENECTADY COUNTIES, NY

Decided: April 21, 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 Discontinuance of Service for NYC to abandon and CSXT to discontinue service over approximately 6.3 miles of railroad from milepost QGW 159.6 to milepost QGW 165.9, between South Amsterdam in Montgomery County and Rotterdam Junction in Schenectady County, NY. Notice of the exemption was served and published in the Federal Register (68 FR 14473-74) on March 25, 2003. The notice stated that, if consummation had not been effected by NYC's filing of a notice of consummation by March 25, 2004, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire.

By decision and notice of interim trail use or abandonment (NITU) served on April 23, 2003, the proceeding was reopened and a 180-day period was authorized for the New York State Office of Parks, Recreation and Historic Preservation (New York) to negotiate an interim trail use/rail banking agreement with NYC for the right-of-way involved in this proceeding pursuant to the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The trail use negotiating period under the NITU was extended by decisions served on October 16, 2003, April 27, 2004, and October 21, 2004, and the consummation notice filing deadline also was extended by the decision served on October 21, 2004. The latest NITU extension is scheduled to expire on April 21, 2005. The consummation notice filing deadline is scheduled to expire on June 21, 2005.

On April 20, 2005, CSXT filed a request for a 180-day extension of the NITU negotiating period until October 18, 2005. CSXT states that the additional time is needed because it has been unable to finalize the trail use negotiations with New York. In addition, CSXT states that the abandonment has not been consummated and requests an extension of the consummation notice filing deadline until December 18, 2005.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.<sup>1</sup> Because an extension of the consummation notice filing deadline and the NITU negotiating period will promote the establishment of trails and rail banking consistent with the Trails Act, the requested extensions will be granted. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990). Accordingly, the NITU negotiating period will be extended to October 18, 2005, and the consummation notice filing deadline will be extended until December 18, 2005.

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

It is ordered:

1. The requests by CSXT for an additional 180-day NITU negotiating period and the extension of time to exercise abandonment authority are granted.
2. The negotiating period under the NITU is extended to October 18, 2005.
3. The authority to abandon must be exercised on or before December 18, 2005.
4. This decision is effective on the date of service.

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

Vernon A. Williams  
Secretary

---

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