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SERVICE DATE – JANUARY 30, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 592X)

CSX TRANSPORTATION, INC.–ABANDONMENT
EXEMPTION–IN CLARK COUNTY, IN

Decided: January 27, 2006

By decision and notice of interim trail use or abandonment (NITU) served on October 9, 2001, a 180-day period was authorized for CSX Transportation, Inc. (CSXT), to negotiate an interim trail use/rail banking agreement with the City of Jeffersonville (the City), for a 5.4-mile segment of its Midwest Region railroad line, known as the Louisville Division, Louisville Terminal/Hoosier Subdivision, extending between milepost B-1.3, near Watson, and milepost B-6.7, near Jeffersonville, in Clark County, IN.

In a decision served on April 5, 2002, the negotiating period was extended only for the line segment between milepost B-1.3 and milepost B-4.96. Subsequently, by decision served on April 30, 2002, the negotiating period was extended for the line segment between milepost B-5.52 and milepost B-6.7. The negotiating period under the NITU for both line segments was extended several times, with the latest decision, served on August 2, 2005, extending the NITU negotiating period until January 30, 2006. This decision also extended the deadline for CSXT to file its notice of consummation until March 31, 2006.

By letter filed on January 17, 2006, CSXT requests a 180-day extension of the NITU negotiating period, until July 29, 2006. CSXT states that it has not consummated the abandonment and desires to continue to negotiate trail use with the City. Additionally, CSXT requests an extension of the consummation notice filing deadline until September 27, 2006.¹

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. Because an extension of the consummation notice filing deadline and the NITU negotiating period will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d), the requested extensions will be granted. Accordingly, the NITU negotiating period will be extended for an additional 180 days from January 30, 2006, until July 29, 2006, and the consummation notice filing deadline will be extended to September 27, 2006.

¹ Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings.

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 to extend the NITU negotiating period and to extend the time to exercise the abandonment authority is granted.
2. The negotiating period under the NITU is extended to July 29, 2006.
3. The authority to abandon must be exercised on or before September 27, 2006.
4. This decision is effective on its service date.

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

Vernon A. Williams
Secretary