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SERVICE DATE – SEPTEMBER 13, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 55 (Sub-No. 675X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN
WARE COUNTY, GA.

Decided: September 12, 2011

On February 1, 2008, a decision and notice of interim trail use or abandonment (NITU) was served authorizing a 180-day period, until July 31, 2008, for the City of Waycross, Ga. (Waycross), to negotiate an interim trail use/rail banking agreement with CSX Transportation, Inc. (CSXT) for a 1.08-mile rail line on CSXT's Southern Region, Jacksonville Division, Fitzgerald Subdivision, between mileposts AP 588.84 and AP 587.76 in Waycross, Ware County, Ga.¹ The negotiating period under the NITU was subsequently extended, with the latest extension scheduled to expire on September 18, 2011.

By letter filed on September 1, 2011, Waycross requests another 180-day extension of the NITU negotiating period, until March 16, 2012. Waycross states that the parties continue to negotiate for interim trail use/rail banking. In a response filed on September 7, 2011, CSXT states that it concurs with the extension request, has not consummated the abandonment, has been unable to finalize negotiations with Waycross, and desires to continue to negotiate for interim trail use/rail banking with Waycross. Also, CSXT requests the Board to confirm that the consummation deadline for the abandonment will be May 15, 2012, if trail negotiations are unsuccessful.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.² An extension of 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). Accordingly, the NITU negotiating period will be extended until March 16, 2012, and the deadline to consummate the abandonment and file a notice of consummation will be May 15, 2012.³

¹ The February 1 decision authorized the exemption subject to a self-executing environmental condition requiring CSXT to consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

² See Rail Abans.—Use of Rights-of-Way as Trails—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

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

It is ordered:

1. The request to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended to March 16, 2012.
3. This decision is effective on its date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

³ Under the Board's rules at 49 C.F.R. § 1152.29(e)(2), a railroad is required to file a notice of consummation within 60 days after expiration of a legal or regulatory barrier. Since the extension request granted herein is scheduled to expire on March 16, 2012, CSXT's deadline for filing its notice of consummation is May 15, 2012.