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SERVICE DATE – LATE RELEASE AUGUST 8, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-565 (Sub-No. 2X)

NEW YORK CENTRAL LINES, LLC—ABANDONMENT
EXEMPTION—IN MIDDLESEX COUNTY, MA

Decided: August 8, 2006

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 Discontinuances of Service for NYC to abandon and CSXT to discontinue service over approximately 4.17 miles of railroad between milepost QBH-2.60 near Sherborn and milepost QBH-6.77 near Holliston, in Middlesex County, MA. On August 31, 2001, a decision and notice of interim trail use or abandonment (NITU) was served, reopening the proceeding and authorizing a 180-day period for the Town of Sherborn (Sherborn) and the Town of Holliston (Holliston) to negotiate an interim trail use/rail banking agreement with applicants for the right-of-way in this proceeding. The negotiation period under the NITU was extended several times; the latest extension decision, served on February 22, 2006, extended the negotiation period until August 21, 2006. The February 21, 2006 decision also extended the deadline for CSXT to file its notice of consummation until October 20, 2006.

On July 14, 2006, and July 17, 2006, respectively, Sherborn and Holliston filed requests to extend the NITU negotiating period until August 27, 2007. On July 20, 2006, CSXT, as successor by merger to NYC, filed its response, stating that it concurs with the extension requests, has not consummated the abandonment, has been unable to finalize negotiations with Sherborn and Holliston, and desires to continue to negotiate interim trail use/rail banking with Sherborn and Holliston.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.¹ An extension of the negotiating period will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the negotiating period will be extended to August 27, 2007.²

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

It is ordered:

1. The requests to extend the NITU negotiating period are granted.
2. The negotiating period under the NITU is extended to August 27, 2007.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary

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

² Although the request exceeds the customary request of 180 days, the Board has granted such requests in the past. See, e.g., Southern Pacific Transportation Company–Abandonment Exemption–Wendel-Alturas Line in Modoc and Lassen Counties, CA, Docket No. AB-12 (Sub-No. 184X) (STB served Sept. 1, 2005).