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SERVICE DATE - OCTOBER 16, 2003

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: October 10, 2003

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, 2003.¹

By decision and notice of interim trail use or abandonment (NITU) served 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 entire line pursuant to the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The trail use negotiation period is scheduled to expire on October 21, 2003.²

On October 3, 2003, NYC filed a request for a 6-month extension of the NITU negotiation period (until April 21, 2004). NYC states that the additional time is needed because they have been unable to reach an agreement with New York.

¹ The notice served March 25, 2003, embraced STB Docket No. AB-55 (Sub-No. 629X) CSX Transportation, Inc.—Discontinuance of Service Exemption—in Montgomery and Schenectady Counties, NY.

² The April 23 decision also imposed a public use condition, which is scheduled to expire on October 21, 2003, and an environmental condition.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.³ An extension of the negotiating period will promote the establishment of trails and rail banking consistent with the Trails Act. Accordingly, the NITU negotiating period will be extended to April 21, 2004.⁴

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

It is ordered:

1. NYC's request to extend the NITU negotiation period is granted.
2. The negotiating period under the NITU is extended to April 21, 2004.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary

³ See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

⁴ Although the request slightly 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—in Jackson, Victoria and Wharton Counties, TX, STB Docket No. AB-12 (Sub-No. 162X) (STB served May 29, 1996).