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SERVICE DATE - SEPTEMBER 30, 1997

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB-290 (Sub-No. 168X)

NORFOLK AND WESTERN RAILWAY COMPANY--ABANDONMENT
EXEMPTION--BETWEEN KOKOMO AND ROCHESTER IN HOWARD,
MIAMI, AND FULTON COUNTIES, IN

Decided: September 25, 1997

On May 14, 1996, a decision and notice of interim trail use or abandonment (NITU) was served authorizing a 180-day period for the Hoosier Rails-to-Trails Council, Inc. (HRTTC), and Indiana Trails Fund, Inc. (ITF), to negotiate an interim trail use/rail banking agreement with Norfolk and Western Railway Company (N&W) for the segment of the line between milepost I-57.2 at or near Kokomo, IN, and milepost I-74.2 at Peru, IN. At the request of ITF, and with N&W's consent, the 180-day negotiating period under the NITU was extended to October 2, 1997, by decision served April 3, 1997.

On September 19, 1997, ITF filed a request to extend the negotiation period for an additional 180 days. ITF states that, despite diligent attempts, the parties have been unable to conclude negotiations, and that the additional time is needed for them to do so. Attached to ITF's letter is a letter dated September 19, 1997, from N&W indicating its consent to the extension.

The requested extension of the negotiation period under the NITU will be granted. It will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The purpose of the Trails Act is to preserve rail corridors for possible reactivation of rail service by permitting and encouraging their interim use as recreational trails. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990).

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

It is ordered:

1. ITF's request to extend the negotiation period under the NITU for an additional 180 days is granted.
2. The negotiation period under the NITU is extended to March 31, 1998.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary