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SERVICE DATE - DECEMBER 11, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 547X)

CSX TRANSPORTATION, INC.--ABANDONMENT
EXEMPTION--IN MUSKEGON COUNTY, MI

Decided: December 9, 1998

A decision and notice of interim trail use or abandonment (NITU) was served on August 14, 1997, authorizing a 180-day period for the Michigan Department of Natural Resources (MDNR) to negotiate an interim trail use/rail banking agreement with CSX Transportation, Inc. (CSXT). The line involved is a 10.13-mile portion of CSXT's Detroit Division, Montague Subdivision, that extends from milepost 62.12 at Berry to milepost 72.25 at the end of track at Montague, and includes a 3.5-mile industrial lead track at Montague, for a total of 13.63 miles, in Muskegon County, MI. Subsequently, by decisions served March 10, 1998, August 7, 1998, and October 27, 1998, the NITU negotiation period was extended. The most recent negotiation period ended on December 7, 1998.

By letter-request filed December 3, 1998, MDNR seeks an additional 60-day extension of the NITU negotiation period, stating that an agreement is expected to be completed within 60 days. CSXT agrees to the extension.

Where, as here, the carrier has not consummated the abandonment at the end of the previously imposed negotiating period and is willing to continue trail use negotiations, the Board retains jurisdiction to extend the NITU negotiating period.¹

Because an extension of the negotiation period will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d), and the parties agree on the necessity for the extension, the request will be granted. Accordingly, the NITU negotiation period will be extended until February 5, 1999.

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

It is ordered:

1. MDNR's request to extend the NITU negotiation period is granted.

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

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2. The NITU negotiation period is extended until February 5, 1999.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary