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SERVICE DATE – MAY 25, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 638X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN KNOX COUNTY, OH

Decided: May 24, 2006

By decision and notice of interim trail use or abandonment (NITU) served on October 31, 2003, the Board granted the petition for exemption filed by CSX Transportation, Inc. (CSXT), for abandonment of an approximately 6.37-mile line of railroad, in CSXT's Midwest Region, Louisville Division, Lake Erie Subdivision, extending from milepost BQ-25.90, at Mt. Vernon, to milepost BQ-32.27, at Fredericktown, in Knox County, OH. The exemption was subject to public use, environmental, and standard employee protective conditions, as well as a trail use condition authorizing a 180-day period for the Knox County, OH Commissioners (Knox County) to negotiate an interim trail use/rail banking agreement with CSXT for the right-of-way involved in this proceeding. The negotiating period was extended through May 26, 2006, by decisions served on April 26, 2004, July 9, 2004, August 24, 2004, September 2, 2004, January 3, 2005, February 25, 2005, May 31, 2005, and November 23, 2005.

On May 10, 2006, Knox County and CSXT filed a joint request for a 180-day extension of the negotiating period. They state that additional time is needed to negotiate.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. 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).¹ Accordingly, the NITU negotiating period will be extended for an additional 180 days from May 26, 2006.

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

It is ordered:

1. The parties' request to extend the NITU negotiating period is granted.

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

2. The negotiating period under the NITU is extended to for 180 days until November 22, 2006.

3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary