

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-43 (Sub-No. 171X)

ILLINOIS CENTRAL RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN MCLEAN COUNTY, IL

Decided: May 6, 2003

A decision and notice of interim trail use or abandonment (NITU) served on May 6, 2002, authorized Illinois Central Railroad Company (IC) to abandon a 3.08-mile line of railroad, known as the Heyworth Spur, extending from milepost 783.42 to the end of the line at milepost 786.5 in Heyworth, McLean County, IL, and authorized a 180-day period for the Village of Heyworth (the Village) to negotiate an interim trail use/rail banking agreement for the line with IC. Subsequently, by a decision served on November 1, 2002, the negotiating period was extended for another 180 days (until May 1, 2003). The May 6, 2002 decision stated that, if “consummation has not been effected by IC’s filing a notice of consummation by May 6, 2003, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.” Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings.

On May 5, 2003, IC filed a request for a 60-day extension to consummate the abandonment and to file its notice of consummation. IC maintains that the extension is necessary because, before IC decides to consummate the abandonment, it would like to know whether the Village intends to seek a further extension of the NITU negotiating period. IC states that it has made several attempts to contact the Village, but has not been successful.

IC has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding. Accordingly, the request will be granted.

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

It is ordered:

1. IC’s request for an extension of time to exercise the abandonment authority is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before July 7, 2003.

3. This decision is effective on the date of service.

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

Vernon A. Williams
Secretary