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SERVICE DATE - JULY 10, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 192X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—  
IN ANDERSON AND WOODFORD COUNTIES, KY

Decided: July 9, 2002

By decision and notice of interim trail use or abandonment (NITU) served on February 7, 2001, a 180-day period was authorized for the Rails to Trails Conservancy (RTC) to negotiate an interim trail use/rail banking agreement (agreement) with the Norfolk Southern Railway Company (NS) for a line of railroad between milepost 0.7-LL, at Lawrenceburg, and milepost 3.5-LL, at Tyrone, in Anderson and Woodford Counties, KY, a distance of approximately 2.8 miles (line). The 180-day negotiating period was scheduled to expire on July 11, 2001, but subsequent decisions served on July 13, 2001, and January 14, 2002, extended the NITU negotiating period for RTC until July 10, 2002.

On July 8, 2002, RTC filed a further motion to extend the negotiating period through January 6, 2003. Counsel for RTC has also submitted a letter from NS indicating that the carrier has not consummated the abandonment and that it consents to the requested extension. RTC states that it has been actively negotiating with NS and is close to reaching an agreement but that several issues relating to an agreement have yet to be resolved.

Where, as here, the carrier has not consummated the proposed abandonment and is willing to continue trail use negotiations, the negotiating period may be extended.<sup>1</sup> RTC has shown that the additional time is necessary to complete negotiations. An extension of time will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the NITU negotiating period will be extended through January 6, 2003.

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

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

It is ordered:

1. RTC's request to extend the NITU negotiating period is granted.
2. The NITU negotiating period is extended through January 6, 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