

34365
DO

SERVICE DATE - JANUARY 9, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 577X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN WAYNE COUNTY, IN

Decided: January 8, 2004

In a decision served in this proceeding on September 5, 2000, the Board granted a petition filed by CSX Transportation, Inc. (CSXT) for an exemption that would permit it to abandon a 1.31-mile portion of rail line extending from railroad Milepost CI-61.90 to railroad Milepost CI-63.21 in Richmond, Wayne County, IN. A decision and notice of interim trail use or abandonment (NITU) served on October 4, 2000, established a 180-day period (until April 3, 2001) for the Parks and Recreation Department of the City of Richmond, IN, to negotiate an interim trail use/rail banking agreement with CSXT for the line at issue. Decisions served on April 30, 2001, August 14, 2001, February 8, 2002, May 28, 2002, November 25, 2002, and June 6, 2003, extended the NITU negotiation period and the deadline for CSXT to file notice that it has consummated the abandonment. The most recent decision extended both until December 30, 2003.

In a letter dated January 2, 2004, CSXT requests extensions of the consummation notice filing deadline and the NITU negotiating period until June 30, 2004. CSXT indicates that the additional time is needed to complete trail use negotiations and to consummate the abandonment (in the event that the trail use negotiations are not successful).

Even if a negotiating period expires, when a carrier consents to continue negotiations and has not consummated abandonment of the line, the Board continues to have jurisdiction to grant an extension. Because extensions of the consummation notice filing deadline and the NITU negotiating 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 rail carrier has indicated its willingness to continue negotiations by requesting an extension, the requests will be granted. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990). Accordingly, the consummation notice filing deadline and the NITU negotiation period will be extended until June 30, 2004.

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

It is ordered:

1. CSXT's requests to extend the consummation notice filing deadline and the NITU negotiating period are granted.
2. The consummation notice filing deadline and the NITU negotiating period are extended to June 30, 2004.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary