

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: December 14, 2006

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 (Richmond), to negotiate an interim trail use/rail banking agreement with CSXT for the line at issue. The negotiating period under the NITU was extended several times, with the most recent decision, served on June 20, 2006, extending the negotiation period until December 14, 2006. The June 20, 2006 decision also extended the deadline for CSXT to file its notice of consummation until February 12, 2007.

In a letter dated December 11, 2006, CSXT requests extension of the NITU negotiating period until June 12, 2007, and an extension of the consummation notice filing deadline until August 11, 2007. CSXT states that it has not consummated the abandonment, has been unable to finalize negotiations with Richmond, and desires to continue to negotiate for interim trail use/rail banking with Richmond.

An extension of the trail use negotiating period may be granted where, as here, the Board retains jurisdiction over the involved railroad right-of-way and the carrier is willing to continue negotiations. Inasmuch as CSXT has indicated a willingness to continue to negotiate by requesting an extension, the extension request will be granted. Extension 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). Accordingly, the NITU negotiating period will be extended until June 12, 2007, and the consummation notice filing deadline will be extended until August 11, 2007. Given the length of time the parties have had to negotiate a trail use agreement, however, the negotiation parties are urged to conclude their negotiations so that further extensions are not necessary.

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 request to extend the NITU negotiating period and the consummation notice filing deadline is granted.
2. The NITU negotiating period is extended to June 12, 2007, and the consummation notice filing deadline is extended to August 11, 2007.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary