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SERVICE DATE – DECEMBER 24, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-565 (Sub-No. 10X)

NEW YORK CENTRAL LINES, LLC–ABANDONMENT  
EXEMPTION–IN WORCESTER COUNTY, MA

Decided: December 23, 2002

New York Central Lines, LLC (NYC) and CSX Transportation, Inc. (CSXT) (collectively applicants), filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments and Discontinuances of Service for NYC to abandon and CSXT to discontinue service over approximately 4.2 miles of railroad between milepost QBU-00 and milepost QBU-4.2 from Fitchburg to Leominster, in Worcester County, MA. Notice of the exemption was served and published in the Federal Register on May 30, 2002 (67 FR 37911).<sup>1</sup> On June 28, 2002, a decision and notice of interim trail use or abandonment (NITU) was served, reopening the proceeding and authorizing a 180-day period for the Cities of Leominster and Fitchburg (Cities) to negotiate an interim trail use/rail banking agreement with NYC for the entire line. The negotiation period under the NITU is scheduled to expire on December 26, 2002.

By letter filed on December 13, 2002, CSXT requests that the NITU negotiating period be extended until July 25, 2003. Applicants state that they have been unable to finalize negotiations with the Cities.

Where, as here, the carriers are willing to continue trail use negotiations, the negotiating period may be extended.<sup>2</sup> 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). Accordingly, the negotiating period will be extended to July 25, 2003.

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

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<sup>1</sup> The notice issued on May 30, 2002, embraced STB Docket No. AB-55 (Sub-No. 616X), CSX Transportation, Inc.–Discontinuance of Service Exemption–in Worcester County, MA.

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

It is ordered:

1. The negotiating period under the NITU is extended to July 25, 2003.
2. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary