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SERVICE DATE - APRIL 16, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-565 (Sub-No. 8X)

NEW YORK CENTRAL LINES, LLC–ABANDONMENT
EXEMPTION–IN DELAWARE COUNTY, OH

Decided: April 15, 2004

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 1.5 miles of railroad from milepost QED 114.1 to milepost QED 115.6 in Delaware, Delaware County, OH. Notice of the exemption was served and published in the Federal Register on April 12, 2002 (67 FR 18053-54).¹ The notice stated that, if consummation has not been effected by NYC's filing of a notice of consummation by April 12, 2003, and there are no legal or regulatory barriers to consummation, the authority to abandon would automatically expire.² On May 23, 2002, the Board issued a decision and notice of interim trail use or abandonment in this proceeding that authorized a 180-day period for the City of Delaware (City) to negotiate an interim trail use/rail banking agreement with NYC, pursuant to section 8(d) of the National Trails System Act, 16 U.S.C. 1247(d). On December 20, 2002, CSXT informed the Board that the applicants and the City had reached an agreement for the transfer of the line to the City. CSXT also stated that, pursuant to section 49 CFR 1152.29(d)(1), applicants would, at the time of the transfer, discontinue service, cancel applicable tariffs, and salvage track and materials consistent with interim trail use. By decisions served April 1, 2003, and October 10, 2003, CSXT was granted an extension of time until April 9, 2004, to exercise the abandonment authority in the event that the parties were unable to complete the transfer for trail use by April 9, 2004.

¹ The notice issued April 12, 2002, embraced STB Docket No. AB-55 (Sub-No. 608X), CSX Transportation, Inc.–Discontinuance of Service Exemption–in Delaware County, OH.

² By decision served May 13, 2002, the exemption was made subject to environmental and historic preservation conditions. By decision served September 4, 2002, the historic preservation condition was removed. The September 4 decision noted that the other environmental conditions imposed in the May 13 decision remained.

On April 9, 2004, CSXT filed a further request to extend the deadline for filing its notice of consummation until October 9, 2004. CSXT stated that it expected the transfer to occur, but was seeking the extension of the deadline to consummate in the event that the transfer does not occur by April 9, 2004. The request will be granted and the deadline for filing the notice of abandonment consummation will be extended to October 9, 2004.

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

It is ordered:

1. CSXT's request for an extension of time to exercise the abandonment authority is granted.
2. The authority to abandon must be exercised on or before October 9, 2004.
3. This decision is effective on its date of service.

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

Vernon A. Williams
Secretary