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SERVICE DATE – LATE RELEASE JANUARY 27, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 591X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN CLARK AND FLOYD COUNTIES, IN

Decided: January 27, 2006

CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 3.8-mile line of railroad between milepost B-50.5 near Clarksville and milepost B-54.3 near New Albany, in Clark and Floyd Counties, IN. Notice of the exemption was served and published in the Federal Register on July 9, 2001 (66 FR 35826-27). On August 7, 2001, a decision and notice of interim trail use or abandonment (NITU) was served reopening the proceeding and authorizing a 180-day period for the Civil Town of Clarksville, IN, the City of New Albany, IN, and the City of Jeffersonville, IN (collectively Proponents), to negotiate an interim trail use/rail banking agreement with CSXT for the right-of-way involved in this proceeding.¹ At the request of CSXT, the negotiating period under the NITU was extended several times; the latest extension decision, served on August 2, 2005, extended the negotiation period until January 30, 2005. The August 2, 2005 decision also extended the deadline for CSXT to file its notice of consummation until March 31, 2006.

By letter filed on January 17, 2006, CSXT requested an extension of the NITU negotiating period until July 29, 2006, stating that it has not consummated the abandonment and has been unable to finalize negotiations with the Proponents, but desires to continue to negotiate for acquisition of the right-of-way. Additionally, CSXT requests an extension of the consummation notice filing deadline until September 27, 2006.

Because an extension of the consummation notice filing deadline and the NITU negotiating period will promote the establishment of trails 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 requested extensions will be granted. See Policy Statement on Rails to Trails Conversion, Ex Parte No. 274 (sub-No. 13B) (ICC served Feb. 5, 1990). Accordingly, the NITU negotiation period will be extended until July 29, 2006, and the consummation notice filing deadline will be extended to September 27, 2006.

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

¹ The August 7, 2001 decision also imposed several environmental conditions.

It is ordered:

1. CSXT's request to extend the NITU negotiating period and its request for an extension of time to exercise the abandonment authority are granted.
2. The negotiating period under the NITU is extended to July 29, 2006.
3. The authority to abandon must be exercised on or before September 27, 2006.
4. This decision is effective on its service date.

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

Vernon A. Williams
Secretary