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SERVICE DATE – AUGUST 2, 2005

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: August 1, 2005

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 entire line. At the request of CSXT, the negotiating period under the NITU was extended several times; the latest extension decision, served on February 11, 2005, extended the negotiation period until August 3, 2005. The February 11, 2005 decision also extended the deadline for CSXT to file its notice of consummation until October 2, 2005.

By letter filed on July 25, 2005, CSXT requested an extension of the NITU negotiating period until January 30, 2006, stating that the applicants have not consummated the abandonment and have been unable to finalize negotiations, but desire to continue negotiations with Proponents for the acquisition of the right-of-way. Additionally, CSXT requested an extension of the consummation notice filing deadline until March 31, 2006.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.¹ 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 January 30, 2006, and the consummation due date will be extended to March 31, 2006.

¹ See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).

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 the negotiating period and its request for an extension of time to exercise abandonment authority are granted.
2. The negotiating period under the NITU is extended to January 30, 2006.
3. The authority to abandon must be exercised on or before March 31, 2006.
4. This decision is effective on the date of service.

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

Vernon A. Williams
Secretary