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SERVICE DATE - JANUARY 31, 2002

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 24, 2002

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, that reopened the proceeding and authorized a 180-day period for the Civil Town of Clarksville, IN, the City of New Albany, IN, and the City of Jefferson, IN (collectively Proponents), to negotiate an interim trail use/rail banking agreement with CSXT for the right-of-way involved in this proceeding.¹ The negotiating period under the NITU is scheduled to expire on February 3, 2002.

On January 17, 2002, CSXT filed a request to extend the NITU negotiation period until August 2, 2002. CSXT states that the parties (CSXT and Proponents) have been unable to complete the transaction, and that an extension of the negotiating period is necessary to finalize negotiations.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.² 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 August 2, 2002.

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

It is ordered:

1. The negotiating period under the NITU is extended to August 2, 2002.

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

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

2. This decision is effective on its service date.

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

Vernon A. Williams
Secretary