

SERVICE DATE – MAY 8, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-295 (Sub-No. 6X)

THE INDIANA RAIL ROAD COMPANY—ABANDONMENT EXEMPTION—
IN MONROE COUNTY, IN

Decided: May 7, 2007

The Indiana Rail Road Company (INRD) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 2.44-mile portion of its Ellettsville Branch from milepost Q216.13 near Loesch Road to the end of the line at Ellettsville, milepost Q213.69, in Monroe County, IN. Notice of the exemption was served and published in the Federal Register on April 15, 2005 (70 FR 19987-88). By decision and notice of interim trail use or abandonment (NITU) served on May 17, 2005, the proceeding was reopened and a 180-day period was authorized for the Monroe County Parks and Recreation Department to negotiate an interim trail use/rail banking agreement with INRD for the right-of-way involved in this proceeding.¹ By decisions served on November 8, 2005, and May 9, 2006, the NITU negotiating period was extended until November 9, 2006. By decision and notice of interim trail use or abandonment served on October 18, 2006, the proceeding was reopened and a replacement NITU applicable to Indiana Trails Fund, Inc. (ITF) as interim trail user was issued.² By decision served on November 9, 2006, the NITU negotiating period was extended until May 8, 2007.

On April 30, 2007, ITF filed a request for a 180-day extension of the NITU negotiating period. ITF states that negotiations are continuing. By facsimile received on May 7, 2007, INRD states that the abandonment of the right-of-way has not been consummated and that it has no objection to the extension request.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. An extension of the negotiating period will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d).³ Accordingly, the NITU negotiating period will be extended for an additional 180 days from May 8, 2007.

¹ The decision and notice also made the exemption subject to several environmental conditions.

² The NITU served on May 17, 2005, was vacated when the replacement NITU was issued.

³ See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

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

It is ordered:

1. ITF's request to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended for 180 days until November 4, 2007.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary