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SERVICE DATE - LATE RELEASE JUNE 13, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 574X)

CSX TRANSPORTATION, INC.--ABANDONMENT EXEMPTION--IN
HARLAN COUNTY, KY

Decided: June 13, 2000

On June 23, 1999, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for the Harlan County Fiscal Court (HCFC) to negotiate an interim trail use/rail banking agreement with CSX Transportation, Inc. (CSXT) for an approximately 1.05-mile line of railroad between milepost OYC-250.40 at Evarts and milepost OYC-251.45 at Woods, in Harlan County, KY.¹ At CSXT's request, the negotiating period under the NITU was extended by decisions served December 28, 1999, and March 13, 2000. The latest extension is scheduled to expire on June 14, 2000.

On June 9, 2000, CSXT filed a request to further extend the negotiation period for an additional 180 days, until December 11, 2000. CSXT states that it does not appear that the parties (CSXT and HCFC) will be able to complete the transaction under discussion by June 14, 2000.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.² CSXT has shown that the additional time is necessary to complete negotiations. An extension of the negotiation 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 December 11, 2000.

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 for an additional 180 days to December 11, 2000.

¹ Notice of the exemption was served and published in the Federal Register on May 21, 1999 (64 FR 27852).

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