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SERVICE DATE - JANUARY 27, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 203X)

NORFOLK SOUTHERN RAILWAY COMPANY--ABANDONMENT EXEMPTION--
IN MADISON AND BOND COUNTIES, IL

Decided: January 24, 2000

On February 3, 1999, a decision and notice of interim trail use or abandonment (NITU) was served in this proceeding. The NITU authorized Norfolk Southern Railway Company (NSR) to abandon a 39.1-mile branch line of railroad known as the Madison-Sorento Line or the Madison Branch, extending between milepost TS-406.6 at Sorento, IL, and milepost TS-445.7 at Madison, IL, in Madison and Bond Counties, IL, and in the same decision, Madison County Transit (MCT) was granted a period of 180 days to negotiate with NSR for possible interim trail use for a portion of the right-of-way between milepost TS-410.91 and milepost TS-444.2. On March 17, 1999, a decision and amended NITU was served in this proceeding, granting an MCT request for issuance of an amended NITU and amending the February 3 decision to the extent necessary to implement interim trail use/rail banking for the additional portion of the right-of-way between milepost TS-410.91 and milepost TS-406.6. In a decision served July 30, 1999, the negotiating period under the NITU was extended for an additional 180 days. The negotiating period is scheduled to expire on January 29, 2000.

By motion filed January 18, 2000, MCT has requested an extension of the negotiating period for an additional 180 days to complete negotiations (until July 27, 2000). MCT states that it is awaiting the outcome of a grant application that is currently pending with the Illinois Department of Natural Resources. MCT indicates that it is diligently pursuing the application and expects to receive word soon. MCT states that it is actively negotiating with NSR to acquire not only the subject property pursuant to the NITU, but also other property in Madison County.¹ MCT would like to acquire the subject property and the Sub-No. 206X property in a single contract.² NSR consents to the requested extension of the trail use condition.

MCT's request is reasonable. The requested extension will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). An

¹ The property at issue was the subject of a notice of exemption in Norfolk Southern Railway Company--Abandonment Exemption--in Madison County, IL, STB Docket No. AB-290 (Sub-No. 206X) (STB served Aug. 16, 1999).

² On September 14, 1999, a NITU was served in the Sub-No. 206X proceeding which is scheduled to expire on March 13, 2000.

extension of the trail use negotiating period may be granted in these circumstances if the carrier is willing to continue negotiations. As noted, NSR has agreed to the extension. Accordingly, the extension will be granted.

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

It is ordered:

1. The request to extend the interim trail use negotiating period is granted.
2. The negotiating period under the NITU is extended for a period of 180 days from January 29, 2000, or until July 27, 2000.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary