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SERVICE DATE – LATE RELEASE DECEMBER 27, 2004

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-55 (Sub-No. 577X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN WAYNE COUNTY, IN

Decided: December 27, 2004

In a decision served in this proceeding on September 5, 2000, the Board granted a petition filed by CSX Transportation, Inc. (CSXT) for an exemption that would permit it to abandon a 1.31-mile portion of rail line extending from railroad Milepost CI-61.90 to railroad Milepost CI-63.21 in Richmond, Wayne County, IN. A decision and notice of interim trail use or abandonment (NITU) served on October 4, 2000, established a 180-day period (until April 3, 2001) for the Parks and Recreation Department of the City of Richmond, IN, to negotiate an interim trail use/rail banking agreement with CSXT for the line at issue. Decisions served on April 30, 2001, August 14, 2001, February 8, 2002, May 28, 2002, November 25, 2002, June 6, 2003, and January 9, 2004, extended the NITU negotiation period and the deadline for CSXT to file notice that it has consummated the abandonment. The most recent decision, served on July 15, 2004, extended the NITU negotiation period until December 27, 2004.

In a letter dated December 22, 2004, CSXT requests extension of the NITU negotiating period until June 25, 2005, and an extension of the consummation notice filing deadline until August 24, 2005. CSXT indicates that the additional time is needed to complete trail use negotiations.

An extension of the trail use negotiating period may be granted where, as here, the Board retains jurisdiction over the involved railroad right-of-way and the carrier is willing to continue negotiations. Inasmuch as CSXT has indicated a willingness to continue to negotiate by requesting an extension, the extension request can be granted. Extension of the consummation notice filing deadline and the NITU 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). Accordingly, the NITU negotiating period will be extended until June 25, 2005, and the consummation notice filing deadline will be extended until August 24, 2005.

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

It is ordered:

1. CSXT's request to extend the NITU negotiating period and the consummation notice filing deadline is granted.
2. The NITU negotiating period is extended to June 25, 2005, and the consummation notice filing deadline is extended to August 24, 2005.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary