

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

Docket No. AB 55 (Sub-No. 501X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN
LUCAS AND WOOD COUNTIES, OHIO

Decided: November 4, 2011

On July 2, 2010, a decision and notice of interim trail use or abandonment (NITU) was served authorizing a 180-day period, until December 29, 2010, for Metroparks of the Toledo Area (Metroparks), to negotiate an interim trail use/rail banking agreement with CSX Transportation, Inc. (CSXT) for the right-of-way of approximately 2.15 miles of railroad between milepost CO-14.31 at River Road in Lucas County, Ohio, and milepost CO-16.46¹ at Bates in Wood County, Ohio.² By decisions served February 16, 2011 and June 24, 2011, the negotiating period was extended to June 30, 2011, and December 27, 2011, respectively.

By letter filed on September 14, 2011, Metroparks requests that the Board vacate the existing NITU in part and issue a new NITU substituting Wood County Port Authority (the Port) as the new interim trail proponent for a 0.27-mile segment of the right-of-way between mileposts CO-14.32 and CO-14.59. Also on September 14, 2011, the Port filed a letter asking to replace Metroparks as the negotiating party with CSXT for trail use between mileposts CO-14.32 and CO-14.59. The Port included with its filing a statement of willingness to assume financial responsibility for the segment and acknowledges that use of the right-of-way is subject to possible reactivation of the right-of-way for rail service. By letter filed on September 15, 2011, CSXT concurs with the substitution request and agrees to negotiate with the Port for the same time period granted Metroparks in the June 24, 2011 decision (until December 27, 2011). In a letter filed October 7, 2011, CSXT clarified that it will continue to negotiate with Metroparks between mileposts CO-14.31 and CO-14.32 and mileposts CO-14.59 and CO-16.38.

The Port's submission meets the requirements of 49 C.F.R. § 1152.29. Accordingly, the request will be granted and a new NITU will be issued for it to negotiate with CSXT. The existing NITU permitting negotiations between Metroparks and CSXT will be modified to the extent discussed.

¹ By letter filed on June 10, 2011, Metroparks indicated that the milepost endpoint of this line was incorrectly stated to be CO-16.46 and that the correct endpoint is CO-16.38.

² CSXT filed a notice of exemption to abandon the line; the notice was served and published in the Federal Register on March 8, 1995 (60 Fed. Reg. 12,783). The exemption became effective on April 7, 1995.

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

It is ordered:

1. The proceeding is reopened.
2. The NITU served on July 2, 2010, is vacated in part and a modified NITU is issued permitting CSXT and Metroparks to negotiate until December 27, 2011, for trail use between mileposts CO-14.31 and CO-14.32 and between mileposts CO-14.59 and CO-16.38.
3. A new NITU is issued permitting CSXT and the Port to negotiate until December 27, 2011, for trail use between mileposts CO-14.32 and CO-14.59.
4. Interim trail use/rail banking is subject to the future restoration of rail service and to the trail users continuing to meet the financial obligations for the right-of-way.
5. If the trail users intend to terminate trail use, they must send the Board a copy of this decision and notice and request that it be vacated on a specified date.
6. This decision and notice is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.