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SERVICE DATE - SEPTEMBER 22, 1997

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 539X)

CSX TRANSPORTATION, INC.--ABANDONMENT EXEMPTION--  
IN HARRISON COUNTY, WV

Decided: September 17, 1997

By decision and notice of interim trail use or abandonment (NITU) served on April 4, 1997, the Board imposed a 180-day period for the Harrison County Commission (HCC) to negotiate an interim trail use/rail banking agreement with CSX Transportation, Inc. (CSXT), for its 14.1-mile line of railroad between milepost 2.1 at Clarksburg and milepost 16.2 at McWhorter, in Harrison County, WV.<sup>1</sup> The 180-day period under the NITU is scheduled to expire on October 2, 1997.<sup>2</sup>

On September 16, 1997, CSXT filed a request for an extension of the negotiation period until November 30, 1997. CSXT indicates that negotiations between the parties (HCC and CSXT) are still ongoing but it does not appear that an agreement will be reached by October 2, 1997.

The requested extension of the negotiation period under the NITU will be granted. It will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The purpose of the Trails Act is to preserve rail corridors for possible reactivation of rail service by permitting and encouraging their interim use as recreational trails. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990).

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 to November 30, 1997.
2. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary

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<sup>1</sup> The notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments was served and published in the Federal Register on March 6, 1997 (62 FR 10308-09), and was to become effective on April 5, 1997.

<sup>2</sup> The April 4 decision also imposed a 180-day public use condition requiring CSXT to leave the right-of-way intact, including bridges, trestles, culverts and tunnels and similar structures for a period of 180 days from the April 5, 1997 effective date. The 180-day period for the public use condition will expire on October 2, 1997.