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SERVICE DATE - JANUARY 9, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 614X)

CSX TRANSPORTATION, INC.–ABANDONMENT  
EXEMPTION–IN RICHMOND COUNTY, GA

Decided: January 8, 2004

CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon approximately 1.60 miles of railroad from Valuation Station 0+00 at milepost ANS 0.2 to Valuation Station 84+44, in Augusta, Richmond County, GA. Notice of the exemption was served and published in the Federal Register on June 6, 2002 (67 FR 39097-98). The notice stated that, if consummation had not been effected by CSXT's filing a notice of consummation by June 6, 2003, and there were no legal barriers or regulatory barriers to consummation, the authority to abandon would automatically expire. By decision served July 16, 2002, the proceeding was reopened and Augusta-Richmond County, GA, was authorized to negotiate an interim trail use/rail banking agreement with CSXT, pursuant to section 8(d) of the National Trails System Act 16 U.S.C. 1247(d) (Trails Act).<sup>1</sup> At the request of CSXT, the negotiating period was extended by decisions served January 6, 2003, and June 18, 2003. The latest extension is scheduled to expire on January 9, 2004.

On January 6, 2004, CSXT filed a request to extend the NITU negotiating period until July 9, 2004, and the consummation deadline until September 9, 2004. CSXT states that the parties have been unable to finalize negotiations.

Because an 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 Trails Act, and the rail carrier has indicated its willingness to continue negotiations by requesting an extension, the requested extensions will be granted. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990). Accordingly, the NITU negotiating period will be extended to July 9, 2004, and the consummation notice filing deadline will be extended to September 9, 2004.

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<sup>1</sup> By decision served July 5, 2002, the proceeding was reopened at the request of the Board's Section of Environmental Analysis and the exemption was made subject to the condition that CSXT consult with Georgia Department of Natural Resources, Historic Preservation Division, to resolve outstanding historic resources concerns, and retain its interest in and take no steps to alter the historic integrity of the line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

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

It is ordered:

1. CSXT's request for an extension of the NITU negotiating period and its request for an extension of time to exercise abandonment authority are granted.
2. The negotiating period under the NITU is extended until July 9, 2004.
3. The authority to abandon must be exercised on or before September 9, 2004.
4. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary