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SERVICE DATE - FEBRUARY 27, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-565 (Sub-No. 2X)¹

NEW YORK CENTRAL LINES, LLC—ABANDONMENT
EXEMPTION—IN MIDDLESEX COUNTY, MA

Decided: February 26, 2002

New York Central Lines, LLC (NYC) and CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments and Discontinuances of Service for NYC to abandon and CSXT to discontinue service over approximately 4.17 miles of railroad between milepost QBH-2.60 near Sherborn and milepost QBH-6.77 near Holliston, in Middlesex County, MA. Notice of the exemption was served and published in the Federal Register on August 2, 2001 (66 FR 40314-15). On August 31, 2001, a decision and notice of interim trail use or abandonment (NITU) was served, that reopened the proceeding and authorized a 180-day period for the Town of Sherborn (Sherborn) and the Town of Holliston (Holliston) to negotiate an interim trail use/rail banking agreement with NYC for the entire line. The August 31 decision also imposed a 180-day public use condition.² The negotiating period under the NITU is scheduled to expire on February 28, 2002.³

By letter submitted by facsimile on February 22, 2002, CSXT requested an extension of the NITU negotiating period for 6-months, until August 28, 2002. CSXT states that the parties (CSXT, Sherborn and Holliston) have been unable to finalize negotiations but desire to continue discussions.

¹ The notice issued on August 2, 2001, embraced STB Docket No. AB-55 (Sub-No. 594X), CSX Transportation, Inc.—Discontinuance of Service Exemption—in Middlesex County, MA.

² The public use condition required NYC to leave the right-of-way intact, including bridges, trestles, culverts and tunnels and similar structures for a period of 180 days from the September 1, 2001 effective date. The 180-day public use condition will expire on February 28, 2002.

³ By decision served September 20, 2001, the proceeding was reopened and the exemption was made subject to the condition that NYC 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.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.⁴ An extension of the negotiating period will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). According, the negotiating period will be extended to August 28, 2002.

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 August 28, 2002.
2. This decision is effective on its service date.

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

Vernon A. Williams
Secretary

⁴ See Rail Abandonments–Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).