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SERVICE DATE - JANUARY 6, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 192X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—  
IN ANDERSON AND WOODFORD COUNTIES, KY

Decided: January 3, 2003

By decision and notice of interim trail use or abandonment (NITU) served on February 7, 2001, a 180-day period was authorized for the Rails to Trails Conservancy (RTC) to negotiate an interim trail use/rail banking agreement (agreement) with the Norfolk Southern Railway Company (NS) for a line of railroad between milepost 0.7-LL, at Lawrenceburg, and milepost 3.5-LL, at Tyrone, in Anderson and Woodford Counties, KY, a distance of approximately 2.8 miles (line). The 180-day negotiating period was scheduled to expire on July 11, 2001, but subsequent decisions served on July 13, 2001, January 14, 2002, and July 10, 2002 extended the NITU negotiating period for RTC until January 6, 2003.

On December 27, 2002, RTC filed a further motion to extend the negotiating period through July 7, 2003. Counsel for RTC has also submitted a letter from NS indicating that the carrier has not consummated the abandonment and that it consents to the requested extension. RTC states that it has been actively negotiating with NS but that additional time is needed for RTC to reach an agreement with NS or to work with other potential cooperating entities for trail development and management.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.<sup>1</sup> RTC has shown that the additional time is necessary to complete negotiations. An extension of time will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the NITU negotiating period will be extended through July 7, 2003.

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

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<sup>1</sup> See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

It is ordered:

1. RTC's request to extend the NITU negotiating period is granted.
2. The NITU negotiating period is extended through July 7, 2003.
3. This decision is effective on the date of service.

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

Vernon A. Williams  
Secretary