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SERVICE DATE – APRIL 21, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-565 (Sub-No. 7X)

NEW YORK CENTRAL LINES, LLC-ABANDONMENT EXEMPTION-
IN SUFFOLK COUNTY, MA

Decided: April 20, 2006

New York Central Lines, LLC (NYC) and CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152.50 Subpart F-Exempt Abandonments and Discontinuances of Service for NYC to abandon and CSXT to discontinue service over approximately 2.17 miles of railroad between milepost QBG-5.7 and milepost QBG-7.87 in Chelsea, Suffolk County, MA. Notice of the exemption was served and published in the Federal Register on March 29, 2002 (67 FR 15281).¹ The notice stated that, if consummation had not been effected by NYC's filing of a notice of consummation by March 29, 2003, and there were no legal or regulatory barriers to consummation, the authority abandon would automatically expire.

On April 29, 2002, a decision and notice of interim trail use or abandonment (NITU) was served, reopening the proceeding and authorizing a 180-day period for the City of Chelsea, MA (City), to negotiate an interim trail use/rail banking agreement with NYC for the right-of-way involved in this proceeding. At the request of CSXT, the negotiation period under the NITU was extended several times; the latest extension, served on October 25, 2005, extended the negotiating period until April 23, 2006. The October 25, 2005 decision also extended the deadline for CSXT to file its notice of consummation until June 22, 2006.

On April 19, 2006, CSXT, successor by merger to NYC, filed a request to extend the NITU negotiation period until October 20, 2006. CSXT states that it has not consummated the abandonment, has been unable to finalize trail use negotiations with the City, and desires to continue to negotiate interim trail use/rail banking with the City. Additionally, CSXT requests an extension of the consummation notice filing deadline until December 19, 2006.

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

¹ The notice issued on March 29, 2002, embraced STB Docket No. AB-55 (Sub-No. 605X), CSX Transportation, Inc.-Discontinuance of Service Exemption-in Suffolk County, MA.

National Trails System Act, 16 U.S.C. 1247(d), 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 Conversion, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990). Accordingly the NITU negotiation period will be extended until October 20, 2006, and the consummation notice filing deadline will be extended to December 19, 2006.

This action 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 negotiating period and its request for an extension of the time to exercise abandonment authority are granted.
2. The negotiating period under the NITU is extended to October 20, 2006.
3. The authority to abandon must be exercised on or before December 19, 2006.
4. This decision is effective on its service date.

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

Vernon A. Williams
Secretary