

SURFACE TRANSPORTATION BOARD

DECISION AND MODIFICATION OF NOTICE OF INTERIM TRAIL USE OR
ABANDONMENT

STB Docket No. AB-290 (Sub-No. 203X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—
IN MADISON AND BOND COUNTIES, IL

Decided: March 29, 2001

On February 3, 1999, a decision and notice of interim trail use or abandonment (NITU) was served in this proceeding. The NITU authorized Norfolk Southern Railway Company (NSR) to abandon a 39.1-mile branch line of railroad known as the Madison-Sorento Line or the Madison Branch, extending between milepost TS-406.6 at Sorento, IL, and milepost TS-445.7 at Madison, IL, in Madison and Bond Counties, IL.¹ Madison County Transit (MCT) was also granted a period of 180 days to negotiate with NSR for possible interim trail use for a portion of the right-of-way between milepost TS-410.91 and milepost TS-444.2.² On March 17, 1999, a decision and amended NITU was served in this proceeding, granting an MCT request for issuance of an amended NITU and amending the February 3 decision and notice to the extent necessary to implement interim trail use/rail banking for the additional portion of the right-of-way between milepost TS-410.91 and milepost TS-406.6. In decisions served on July 30, 1999, January 27, 2000, July 27, 2000, and January 22, 2001, the negotiating period was extended, with the latest extension running until May 23, 2001.

On March 19, 2001, MCT gave the Board notice that the parties had reached an interim trail use/rail banking agreement for approximately 37.5 miles of the right-of-way between milepost TS-444.2 and milepost TS-406.7. MCT also requested the Board to modify the NITU to apply only to that portion of the right-of-way, and hence presumably to vacate the NITU for the segment between milepost TS-406.6 and milepost TS-406.7. MCT states that it executed the agreement on March 6, 2001, and that NSR executed the agreement on March 7, 2001. MCT adds that the agreement encompasses other property in Madison County.³

¹ Notice of the exemption was served and published in the Federal Register on November 6, 1998 (64 FR 60040-41).

² The February 3, 1999 decision also imposed two environmental conditions and employee protective conditions.

³ MCT states that the agreement includes property that was the subject of a notice of exemption in Norfolk Southern Railway Company—Abandonment Exemption—in Madison

(continued...)

MCT has complied with the requirements of 49 CFR 1152.29(d)(2) regarding a request to vacate a NITU. Therefore, this proceeding will be reopened and the partial vacation of the NITU will be granted. Under the circumstances, NSR may fully abandon the line between milepost TS-406.6 and milepost TS-406.7 if the other conditions imposed have been met.

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

It is ordered:

1. This proceeding is reopened.
2. The NITU is vacated with respect to that portion of the right-of-way between milepost TS-406.6 and milepost TS-406.7, and MCT will remain as the trail user for the line between milepost TS-444.2 and milepost TS-406.7. NS may fully abandon the segment for which the NITU has been vacated if the conditions imposed in this proceeding have been met.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary

³(...continued)

County, IL, STB Docket No. AB-290 (Sub-No. 206X) (STB served Aug. 16, 1999). A NITU was served in that proceeding on September 14, 1999. Extensions of the negotiating period have been granted, with the latest extension scheduled to expire also on May 23, 2001. In that proceeding, MCT has also given notice that an interim trail use/rail banking agreement has been reached for a portion of the right-of-way and requests partial vacation of the NITU. MCT's request is being granted in a separate decision being served concurrently with this decision.