

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 565 (Sub-No. 2X)

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

Decided: August 20, 2010

New York Central Lines, LLC (NYC) and CSX Transportation, Inc. (CSXT) (collectively, applicants) filed a notice of exemption under 49 C.F.R. pt. 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, Mass. On August 31, 2001, a decision and notice of interim trail use or abandonment (NITU) was served, reopening the proceeding and authorizing 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 applicants for the right-of-way in this proceeding. At the request of applicants, the negotiation period under the NITU was extended several times; the latest extension, served on March 5, 2010, extended the negotiation period until August 22, 2010. The March 5, 2010 decision also extended the deadline for CSXT to file its notice of consummation until October 21, 2010.

By letter filed on July 20, 2010, Sherborn and Holliston requested an extension of the negotiation period under the NITU for 1 year, until August 22, 2011, to allow completion of the negotiating process among CSXT and the towns of Holliston and Sherborn for trail use. On August 13, 2010, CSXT, as successor by merger to NYC, filed its response, stating that it concurs with an extension until August 22, 2011, has not consummated the abandonment, has been unable to finalize negotiations, and desires to continue to negotiate interim trail use/rail banking with Sherborn and Holliston. Additionally, CSXT requests an extension of the consummation notice filing deadline until October 21, 2011.¹

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. 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).²

¹ Under 49 C.F.R. § 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings.

² See Rail Aban.—Use-of-Rights-of-Way as Trails Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

Accordingly, the negotiating period will be extended to August 22, 2011,³ and the consummation deadline will be extended to October 21, 2011. Given the time that has elapsed since the abandonment was authorized, the parties again are urged to conclude their negotiations so that further extensions are not necessary.

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 22, 2011.
2. The authority to abandon must be exercised on or before October 21, 2011.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

³ Although the request exceeds the customary request of 180 days, the Board has granted such request in the past. See, e.g., S. Pac. Transp. Co.–Aban. Exemption–Wendel-Alturas Line in Modoc & Lassen Counties, Cal., Docket No. AB 12 (Sub-No. 184X) (STB served Sept. 1, 2005).