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SERVICE DATE - JUNE 19, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-565 (Sub-No. 10X)¹

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

Decided: June 10, 2003

New York Central Lines, LLC (NYC) and CSX Transportation, Inc. (CSXT) (collectively, applicants) 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 4.2 miles of railroad between milepost QBU-00 and milepost QBU-4.2 from Finchburg to Leominster, in Worcester County, MA. Notice of the exemption was served and published in the Federal Register on May 30, 2002 (67 FR 37911). The notice stated, that, if consummation has not been effected by CSXT's filing of a notice of consummation by May 30, 2003, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire. On June 28, 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 Cities of Leominster and Fitchburg (Cities) to negotiate an interim trail use/rail banking agreement with applicants for the entire line. A decision served on December 24, 2002, extended the NITU negotiating period to July 25, 2003.

In a letter filed on May 22, 2003, CSXT requests an extension of the NITU negotiating period until January 23, 2004. Applicants state that they have been unable to finalize negotiations with the Cities. Additionally, CSXT requests an extension of the consummation notice filing deadline until March 23, 2004.

Because 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 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 request will be granted. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990). Accordingly, the NITU

¹ The notice of exemption served on May 30, 2002, embraced STB Docket No. AB-55 (Sub-No. 616X), CSX Transportation, Inc.—Discontinuance of Service Exemption—in Worcester County, MA.

negotiation period will be extended to January 23, 2004, and the consummation notice filing deadline will be extended to March 23, 2004.

This decision does 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 NITU negotiation period and its request for an extension of time to exercise abandonment authority are granted.
2. The negotiating period under the NITU is extended until January 23, 2004.
3. The authority to abandon must be exercised on or before March 23, 2004.
4. This decision is effective on its service date.

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

Vernon A. Williams
Secretary