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SERVICE DATE - AUGUST 14, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 577X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN WAYNE COUNTY, IN

Decided: August 8, 2001

In a decision served in this proceeding on September 5, 2000, the Board granted a petition filed by CSX Transportation, Inc. (CSXT) for an exemption that would permit it to abandon a 1.31-mile portion of rail line extending from railroad Milepost CI-61.90 to railroad Milepost CI-63.21 in Richmond, Wayne County, IN. A decision and notice of interim trail use or abandonment (NITU) served on October 4, 2000, established a 180-day period (until April 3, 2001) for the Parks and Recreation Department of the City of Richmond, IN (City), to negotiate an interim trail use/rail banking agreement with CSXT for the line at issue. A decision served on April 30, 2001, extended the NITU negotiating period to September 5, 2001, which also is the due date for CSXT to file notice that it has consummated the abandonment.

In a letter filed on August 6, 2001, CSXT requests an extension of both the consummation notice filing deadline and the NITU negotiating period until December 31, 2001. CSXT indicates that the additional time is needed to complete trail use negotiations and to consummate the abandonment (in the event that the trail use negotiations are not successful).

An extension of the trail use negotiating period may be granted where, as here, the Board retains jurisdiction over the involved railroad right-of-way and the carrier is willing to continue negotiations. Inasmuch as CSXT has indicated a willingness to continue to negotiate, the extension requests can be granted.

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). Accordingly, the extensions will be granted.

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 requests to extend the consummation notice filing deadline and the NITU negotiating period are granted.
2. The consummation notice filing deadline and the NITU negotiating period are extended to December 31, 2001.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary