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SERVICE DATE - APRIL 12, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 613X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–  
IN JEFFERSON COUNTY, AL

Decided: April 11, 2005

CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments to abandon a 16.47-mile rail line extending from milepost ONC 384.00 at Black Creek to milepost ONJ 400.47 at West Jefferson, in Jefferson County, AL. Notice of the exemption was served and published in the Federal Register on September 22, 2003 (68 FR 55085).

By decision and notice of interim trail use or abandonment (NITU) served October 21, 2003,<sup>1</sup> the proceeding was reopened and a 180-day period was authorized for the Jefferson County Commission (County) to negotiate an interim trail use/rail banking agreement with CSXT for the right-of-way involved in this proceeding pursuant to the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The trail use negotiation period under the NITU was scheduled to expire on April 19, 2004, but was extended to April 16, 2005, by decisions served April 19, 2004, and October 22, 2004.<sup>2</sup>

On April 4, 2005, the County submitted a request for an additional 180-day extension of the negotiating period. The County states that it and CSXT are working diligently to reach an agreement, but do not anticipate being able to complete the negotiations by April 16, 2005, and they want to continue trail use negotiations. In a response filed on April 6, 2005, CSXT concurred in the request to extend the trail use negotiating period.

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<sup>1</sup> The October 21, 2003 decision also imposed an environmental condition that required CSXT to provide the National Geodetic Survey with 90 days' notice prior to any salvage activities in order to plan the relocation of three geodetic station markers that may be affected by the abandonment.

<sup>2</sup> The October 22, 2004 decision also extended the consummation notice filing deadline until June 16, 2005.

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 Trails Act.<sup>3</sup> Accordingly, the NITU negotiating period will be extended to October 13, 2005.

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

It is ordered:

1. The County's request to extend the NITU negotiation period is granted.
2. The negotiating period under the NITU is extended to October 13, 2005.
3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary

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<sup>3</sup> See Rail Abandonments – Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).