

SERVICE DATE – JULY 27, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 591X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN CLARK AND FLOYD COUNTIES, IN

Decided: July 26, 2006

CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 3.8-mile line of railroad between milepost B-50.5 near Clarksville and milepost B-54.3 near New Albany, in Clark and Floyd Counties, IN.¹ On August 7, 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 Civil Town of Clarksville, IN, the City of New Albany, IN, and the City of Jeffersonville, IN (collectively Proponents) to negotiate an interim trail use/rail banking agreement with CSXT for the right-of-way involved in this proceeding.² At the request of CSXT, the negotiating period under the NITU was extended several times; the latest extension decision, served on January 27, 2006, extended the negotiation period until July 29, 2006. The January 27, 2006 decision also extended the deadline for CSXT to file its notice of consummation until September 27, 2006.

On July 25, 2006, CSXT filed a request to extend the NITU negotiation period until January 25, 2007. CSXT states that it has not consummated the abandonment and has been unable to finalize negotiations but desires to continue negotiations for interim trail use/rail banking with the Proponents. Additionally, CSXT requests an extension of the consummation notice filing deadline until March 26, 2007.

Because an extension of the consummation notice filing deadline and the NITU negotiating period will promote the establishment of trails 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 requested extensions will be granted. See Policy Statement on Rails to Trails Conversion, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990). Accordingly, the NITU negotiation period will be extended until January 25, 2007, and the consummation notice filing deadline will be extended to March 26, 2007.

¹ Notice of the exemption was served and published in the Federal Register on July 9, 2001 (66 FR 35826-27).

² The August 7, 2001 decision also imposed several environmental conditions.

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

It is ordered:

1. CSXT's request to extend the NITU negotiating period and its request for an extension of time to exercise the abandonment authority are granted.
2. The negotiating period under the NITU is extended to January 25, 2007.
3. The authority to abandon must be exercised on or before March 26, 2007.
4. This decision is effective on its service date.

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

Vernon A. Williams
Secretary