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SERVICE DATE - JANUARY 23, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 603X)

CSX TRANSPORTATION, INC.–ABANDONMENT  
EXEMPTION–IN WEBSTER COUNTY, WV

Decided: January 21, 2003

CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon approximately 10.5 miles of railroad between milepost BUG-0.0 at Cowen and milepost BUG 10.5 at Bolair, in Webster County, WV. Notice of the exemption was served and published in the Federal Register on February 11, 2002 (67 FR 6320-21).<sup>1</sup>

On July 30, 2002, a decision and notice of interim trail use or abandonment (NITU) was served reopening the proceeding and authorizing a 180-day period for Webster County Chamber of Commerce (Webster County) to negotiate an interim trail use/rail banking agreement with CSXT for the entire right-of-way involved.<sup>2</sup> The negotiating period under the NITU is scheduled to expire on January 26, 2003.

On January 7, 2003, CSXT filed a request for an extension of the trail use negotiating period until July 25, 2003. CSXT states that the parties have been unable to finalize trail negotiations.

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 trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d).<sup>3</sup> Accordingly, the NITU negotiating period will be extended to July 25, 2003.

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<sup>1</sup> By decision served on March 12, 2002, the exemption was made subject to environmental and historic preservation conditions. The historic preservation condition was removed by decision served April 9, 2002. The other environmental conditions imposed in the March 12 decision remain in effect.

<sup>2</sup> The July 30 decision also imposed a public use condition that condition expired on September 9, 2002.

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

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 is granted.
2. The negotiating period under the NITU is extended to July 25, 2003.
3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary