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SERVICE DATE – JANUARY 24, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 568X)

CSX TRANSPORTATION, INC. — ABANDONMENT EXEMPTION —
IN FRANKLIN COUNTY, PA

Decided: January 23, 2006

By decision and notice of interim trail use or abandonment (NITU) served on March 9, 1999 (March 1999 decision), the Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903 the abandonment by CSX Transportation, Inc. (CSXT), of a 1.9-mile portion of its line of railroad known as the Baltimore Service Lane, Lurgan Subdivision (the line), extending between milepost BAV-20.5 at 4th Street and milepost BAV-22.4 at Commerce Street in Chambersburg, Franklin County, PA, subject to public use, trail use, and standard employee protective conditions.

The March 1999 decision authorized the Borough of Chambersburg to negotiate an interim trail use/rail banking agreement with CSXT for the portion of the line between Main Street at approximately milepost BAV-20.8 and Commerce Street at approximately milepost BAV-22.4, a distance of 1.6 miles. CSXT's requests for extensions of time to exercise abandonment authority (for the entire line, not just for the portion of the line subject to interim trail use negotiations) were granted by a number of decisions, with service dates ranging from March 22, 2000, to July 28, 2005. Its requests to extend the NITU negotiating period were also granted by many of those same decisions. Pursuant to the decision served on July 28, 2005, the NITU negotiating period and the abandonment authority are currently scheduled to expire on January 25, 2006, and March 26, 2006, respectively.

On January 17, 2006, CSXT filed a request: to extend the NITU negotiating period by 180 days (to July 24, 2006), and to extend the time to consummate the abandonment by 180 days (to September 22, 2006). CSXT has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding. Also, because CSXT is willing to continue negotiations, the NITU negotiating period may be extended.¹ The extension requests will therefore be granted.

¹ See Rail Abandonments — Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).

It is ordered:

1. CSXT's request for an extension of time to exercise the abandonment authority and its request to extend the NITU negotiating period are granted.
2. The negotiating period under the NITU is extended until July 24, 2006.
3. The authority to abandon must be exercised on or before September 22, 2006.
4. This decision is effective on its date of service.

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

Vernon A. Williams
Secretary