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SERVICE DATE - MAY 31, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-468 (Sub-No. 4X)

PADUCAH & LOUISVILLE RAILWAY, INC.—ABANDONMENT EXEMPTION—  
IN HOPKINS COUNTY, KY

Decided: May 30, 2002

By decision and notice of interim trail use or abandonment (NITU) served on May 29, 2001, a 180-day period was authorized for Hopkins County Fiscal Court (HCFC) to negotiate an interim trail use/rail banking agreement (agreement) with the Paducah & Louisville Railway, Inc. (P&L) for a line of railroad between milepost 154.4, near St. Charles, and milepost 159.6, near Ilesley, a distance of approximately 5.1 miles in Hopkins County, KY (line). The 180-day negotiating period was scheduled to expire on November 25, 2001. At P&L's request, the NITU negotiating period was extended until May 24, 2002, in a decision served on November 26, 2002.

On May 29, 2002, P&L filed a second request to extend the negotiating period to reach an agreement for an additional 180 days until November 20, 2002. P&L states that it has been engaged in discussions with HCFC over HCFC's use of the right-of-way. P&L further states that, while those negotiations have made some progress, a definitive agreement has not yet been reached. P&L indicates that it has not consummated the abandonment.

Where, as here, the carrier has not consummated the proposed abandonment and is willing to continue trail use negotiations, the negotiating period may be extended.<sup>1</sup> P&L has shown that additional time is necessary to complete negotiations. An extension of time will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the NITU negotiating period will be further extended until November 20, 2002.

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

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<sup>1</sup> See Rail Abandonments--Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

It is ordered:

1. P&L's request to extend the NITU negotiating period is granted.
2. The NITU negotiating period is extended until November 20, 2002.
3. This decision is effective on the date of service.

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

Vernon A. Williams  
Secretary