

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-565 (Sub-No. 7X)

NEW YORK CENTRAL LINES, LLC–ABANDONMENT EXEMPTION–
IN SUFFOLK COUNTY, MA

Decided: October 25, 2005

New York Central Lines, LLC (NYC) and CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152.50 Subpart F–Exempt Abandonments and Discontinuances of Service for NYC to abandon and CSXT to discontinue service over approximately 2.17 miles of railroad between milepost QBG-5.7 and milepost QBG-7.87 in Chelsea, Suffolk County, MA. Notice of the exemption was served and published in the Federal Register on March 29, 2002 (67 FR 15281).¹ On April 29, 2002, a decision and notice of interim trail use or abandonment (NITU) was served, reopening the proceeding and, among other things, authorizing a 180-day period for the City of Chelsea, MA (City), to negotiate an interim trail use/rail banking agreement with NYC for the right-of-way involved in this proceeding.² At the request of CSXT, the negotiation period under the NITU was extended several times; the latest extension, served on April 28, 2005, extended the negotiating period until October 25, 2005. The April 28, 2005 decision also extended the deadline for CSXT to file its notice of consummation until December 26, 2005.³

On October 17, 2005, CSXT filed a request to extend the NITU negotiation period until April 23, 2006. CSXT states that it has not consummated the abandonment, that it has been unable to finalize trail use negotiations with the City, and that it desires to continue to negotiate

¹ The notice issued on March 29, 2002, embraced STB Docket No. AB-55 (Sub-No. 605X), CSX Transportation, Inc.—Discontinuance of Service Exemption—in Suffolk County, MA.

² The April 29, 2002 decision also imposed environmental conditions.

³ The March 29, 2002 notice stated that, if consummation has not been effected by CSXT's filing of a notice of consummation by March 29, 2003, and there are no legal or regulatory barriers to consummation at that time, the authority to abandon would automatically expire. The pendency of conditions, including interim trail use/rail banking conditions, served to extend the deadline to consummate the abandonment until 60 days after satisfaction, expiration, or removal of the legal or regulatory barriers to consummation.

interim trail use/rail banking with the City. Additionally, CSXT requests an extension of the consummation notice filing deadline until June 22, 2006.

Because an extension of the consummation notice filing deadline and the NITU 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), 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 April 23, 2006, and the consummation notice filing deadline will be extended to June 22, 2006.

As conditioned, 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 for an extension of the negotiating period and its request for an extension of the time to exercise abandonment authority are granted.
2. The negotiating period under the NITU is extended to April 23, 2006.
3. The authority to abandon must be exercised on or before June 22, 2006.
4. This decision is effective on its service date.

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

Vernon A. Williams
Secretary