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SERVICE DATE - MARCH 17, 1999

SURFACE TRANSPORTATION BOARD

DECISION AND AMENDED NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-290 (Sub-No. 203X)

NORFOLK SOUTHERN RAILWAY COMPANY--ABANDONMENT EXEMPTION--
IN MADISON AND BOND COUNTIES, IL

Decided: March 12, 1999

On February 3, 1999, a decision and notice of interim trail use or abandonment (NITU) was served in this proceeding authorizing Norfolk Southern Railway Company (NSR) to abandon a 39.1-mile branch line of railroad known as the Madison-Sorento Line or the Madison Branch, extending between milepost TS-406.6 at Sorento, IL, and milepost TS-445.7 at Madison, IL, in Madison and Bond Counties, IL. In the same decision, Madison County Transit (MCT), an interim trail user, was granted a period of 180 days to negotiate with NSR for a portion of the right-of-way between milepost TS-410.91 and milepost TS-444.2. The negotiating period is scheduled to expire on August 2, 1999.

On February 24, 1999, MCT filed a motion requesting issuance of a supplementary NITU to negotiate with NSR for an additional segment of right-of-way between milepost TS-410.91 and milepost TS-406.6. MCT states that this segment was not included in the original NITU request because it was concerned at that time that it lacked authority to acquire property in Bond County. MCT further states that it has subsequently determined that it has the necessary authority and believes that Sorento is a more logical terminus than the Madison County border. MCT has submitted a statement indicating its willingness to assume financial responsibility for the additional segment of right-of-way, and has acknowledged that the use of the right-of-way as a trail is subject to future restoration of rail service. Attached to MCT's motion is a letter dated February 22, 1999, from NSR indicating its consent to expansion of the trail use condition.

MCT's request is reasonable and NSR has agreed to the request. Consequently, the request will be granted. The amendment will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247 (d). See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990). The parties may negotiate an agreement for trail use between milepost TS-406.6 and milepost TS-444.2 until August 2, 1999.

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

It is ordered:

1. MCT's request for issuance of an amended NITU is granted.
2. The notice of interim trail use or abandonment served February 3, 1999, is amended to the extent necessary to implement interim trail use/rail banking for that portion of the right-of-way between milepost TS-410.91 and milepost TS-406.6.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary