

36077
DO

SERVICE DATE – AUGUST 2, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 592X)

CSX TRANSPORTATION, INC.–ABANDONMENT
EXEMPTION–IN CLARK COUNTY, IN

Decided: August 1, 2005

By decision and notice of interim trail use or abandonment (NITU) served on October 9, 2001, a 180-day period was authorized for CSX Transportation, Inc. (CSXT), to negotiate an interim trail use/rail banking agreement with the City of Jeffersonville (the City), for a 5.4-mile segment of its Midwest Region railroad line, known as the Louisville Division, Louisville Terminal/Hoosier Subdivision, extending between milepost B-1.3, near Watson, and milepost B-6.7, near Jeffersonville, in Clark County, IN.

In a decision served on April 5, 2002, the negotiating period was extended until September 30, 2002, only for the line segment between milepost B-1.3 and milepost B-4.96. Subsequently, in a decision served on April 30, 2002, the negotiating period was also extended (until September 30, 2002) for the line segment between milepost B-5.52 and milepost B-6.7. The negotiating period under the NITU for both line segments was extended by decisions served on September 23, 2002, March 24, 2003, September 15, 2003, April 8, 2004, August 9, 2004, and February 11, 2005.¹ The latest NITU extension is scheduled to expire on August 3, 2005.

On July 28, 2005, CSXT filed a request for a 180-day extension of the NITU negotiating period, until January 30, 2006. CSXT states that it has not consummated the abandonment, has not been able to finalize negotiations with the City, and desires to continue to negotiate for interim trail use/rail banking with the City. Additionally, CSXT requests an extension of the consummation notice filing deadline until March 31, 2006.²

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. 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), the requested extensions will be granted. Accordingly, the NITU negotiating period will be extended for an additional 180

¹ In the February 11, 2005 decision, the deadline for CSXT to file its notice of consummation was extended to October 2, 2005.

² Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings.

days from August 3, 2005, until January 30, 2006, and the consummation notice filing deadline will be extended to March 31, 2006.

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 and to extend the time to exercise the abandonment authority is granted.
2. The negotiating period under the NITU is extended to January 30, 2006.
3. The authority to abandon must be exercised on or before March 31, 2006.
4. This decision is effective on its service date.

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

Vernon A. Williams
Secretary