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SERVICE DATE - APRIL 30, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 577X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN WAYNE COUNTY, IN

Decided: April 25, 2001

A decision and notice of interim trail use or abandonment (NITU) served on October 4, 2000, established a 180-day period (until April 3, 2001) for the Parks and Recreation Department of the City of Richmond, IN (City), to negotiate an interim trail use/rail banking agreement with CSX Transportation, Inc. (CSXT) for a 1.31-mile portion of rail line extending from railroad Milepost CI-61.90 to railroad Milepost CI-63.21 in Richmond, Wayne County, IN.

By letter dated April 3, 2001, the City requests an extension of the negotiating period for an additional 180 days. According to the City, CSXT is involved in a class action lawsuit that may hamper negotiations. In a letter filed April 17, 2001, CSX agrees to an extension until September 5, 2001.

Even if the negotiating period expires, when a carrier consents to continue negotiations and has not consummated abandonment of the line at the end of the previously imposed period, the Board continues to have jurisdiction to grant an extension. Because an extension of the 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 agreeing to an extension, the request will be granted. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990). Accordingly, the NITU negotiating period will be extended until September 5, 2001.

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

It is ordered:

1. The request to extend the NITU negotiating period is granted.
2. The NITU negotiating period is extended until September 5, 2001.

3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary