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SERVICE DATE – DECEMBER 9, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 646X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–IN PINELLAS
COUNTY, FL

Decided: December 8, 2005

By decision and notice of interim trail use or abandonment (NITU) served on June 18, 2004, a 180-day period was authorized for CSX Transportation, Inc. (CSXT), to negotiate an interim trail use/rail banking agreement with Pinellas County (the County) for a 1.85-mile line of railroad in CSXT's Southern Region, Jacksonville Division, Clearwater Subdivision, extending from milepost SY 893.80 to milepost SY 895.65, in St. Petersburg, Pinellas County, FL. The negotiating period under the NITU was extended by decisions served on December 17, 2004, and June 20, 2005. The latest extension is scheduled to expire on December 10, 2005.

By letter filed on November 28, 2005, the County requests an additional 180-day extension of the NITU negotiating period. The County states that it is currently in the process of finishing all of the acquisition due diligence requirements and negotiations, but additional time is needed to conclude the acquisition of the property. On December 1, 2005, CSXT filed its response stating that it desires to continue to negotiate with the County and, therefore, agrees to the 180-day extension request.

Where, as here, the carrier is willing to continue trail use negotiations, the NITU negotiating period may be extended. Under the circumstances, an extension of the NITU negotiating period is warranted and will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the NITU negotiating period will be extended for an additional 180 days from December 10, 2005 (until June 8, 2006).¹

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

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

It is ordered:

1. The County's request to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended to June 8, 2006.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary