

30417
DO

SERVICE DATE - JULY 30, 1999

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: July 28, 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. On March 17, 1999, a decision and amended NITU was served in this proceeding granting an MCT request for issuance of an amended NITU and amending the February 3 decision to the extent necessary to implement interim trail use/rail banking for the additional portion of the right-of-way between milepost TS-410.91 and milepost TS-406.6. The negotiating period is scheduled to expire on August 2, 1999.

By motion filed July 23, 1999, MCT has requested an extension of the negotiating period for an additional 180 days until January 29, 2000, in which to complete negotiations. MCT states that it is actively negotiating with NSR to acquire not only the subject property pursuant to the NITU, but also other property in Madison County, which NSR will soon rail bank or abandon.¹ MCT would like to acquire the subject property and the Sub-No. 206X property in a single contract, which it believes can be accomplished in an additional 180 days. Attached to MCT's motion is a letter dated July 22, 1999, from NSR indicating its consent to the requested extension of the trail use condition.

MCT's request is reasonable. The requested extension will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). An extension of the trail use negotiating period may be granted in these circumstances if the carrier is willing to continue negotiations. As noted, NSR has agreed to the extension. Accordingly, the extension will be granted.

This action will not significantly affect either the quality of the human environment or the

¹ The property at issue is apparently the subject of a notice of exemption filed on July 27, 1999, in Norfolk Southern Railway Company--Abandonment Exemption--in Madison County, IL, STB Docket No. AB-290 (Sub-No. 206X).

conservation of energy resources.

It is ordered:

1. The request to extend the interim trail use negotiating period for the portion of the right-of-way between milepost TS-406.6 and milepost TS-444.2 is granted.
2. The negotiating period under the NITU is extended for a period of 180 days from August 2, 1999, or until January 29, 2000.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary