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SERVICE DATE - FEBRUARY 5, 1997

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB-290 (Sub-No. 172X)

NORFOLK SOUTHERN RAILWAY COMPANY--ABANDONMENT
EXEMPTION--IN GRANVILLE AND VANCE COUNTIES, NC

Decided: January 28, 1997

A decision and notice of interim trail use or abandonment (NITU) was served on March 7, 1996, establishing a 180-day period for The Historic Preservation Foundation of North Carolina, Inc. (Foundation) to negotiate an interim trail use/rail banking agreement with the Norfolk Southern Railway Company (NS) for the right-of-way between milepost I-2.2 and milepost I-14.0 at Henderson, in Granville and Vance Counties, NC. By decision served September 27, 1996, the negotiation period was extended until December 2, 1996.

On December 20, 1996, Foundation filed a request for a 90-day extension of the trail use negotiation period which was later amended to request a 180-day extension. Foundation states that negotiations are currently ongoing and that it expects to complete an agreement in the near future. NS responded that it has not consummated the abandonment and that it consents to a 180-day extension of NITU negotiation period.

Where, as here, the carrier has not abandoned the line at the end of the previously imposed negotiating period and is willing to continue trail use negotiations, the Board's jurisdiction is not terminated and the negotiating period may be extended.¹ Under the circumstances, an extension is warranted and will promote the establishment of trails 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 2, 1996.

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

It is ordered:

1. Foundation's request to extend the interim trail use negotiation period is granted.
2. The NITU negotiation period is extended until May 31, 1997.
3. This decision is effective on its service date.

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

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

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Vernon A. Williams
Secretary