

SERVICE DATE - APRIL 3, 2001

SURFACE TRANSPORTATION BOARD

DECISION AND MODIFICATION OF NOTICE OF INTERIM TRAIL USE OR
ABANDONMENT

STB Docket No. AB-290 (Sub-No. 206X)

NORFOLK SOUTHERN RAILWAY COMPANY--ABANDONMENT
EXEMPTION--IN MADISON COUNTY, IL

Decided: March 29, 2001

Norfolk Southern Railway Company (NS) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon a 7.5-mile line of railroad between milepost A-13.0 at Bluffs Junction to milepost A-20.5 at Troy Junction, in Edwardsville, Madison County, IL.¹ On September 14, 1999, a decision and notice of interim trail use or abandonment (NITU) was served, that reopened the proceeding to implement interim trail use/rail banking for the entire line under 49 CFR 1152.29 and the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act), and provided a 180-day period for the Madison County Metro-East Transit (Madison Transit) to negotiate an interim trail use/rail banking agreement with NS for the right-of-way involved in this proceeding.²

On March 19, 2001, Madison Transit notified the Board that an interim trail use/rail banking agreement had been reached by the parties for the portion of the right-of-way from approximately milepost A-13.29 (i.e., Engineering Station 702+85), to milepost 20.50, and requested that the Board vacate the NITU for the portion of the right-of-way between milepost A-13.0 to milepost A-13.29 (i.e., Engineering Station 702+85) to Madison County.³

¹ Notice of the exemption was served and published in the Federal Register on August 16, 1999 (64 FR 44576-77).

² The September 14, 1999 decision also imposed environmental conditions that NS: (a) be prohibited from cutting any trees along the right-of-way during any salvage operations performed between April 1 and September 30; (b) cease salvage operations, if the eastern prairie fringed orchid is found, and consult with the U.S. Fish and Wildlife Service (FWS) and abide by the FWS conditions for preservation of the orchid; and (c) consult with the Illinois Environmental Protection Agency and develop an acceptable method of disposing of old wood cross ties and other treated wood materials prior to salvage operations.

³ Madison Transit states that NS has previously conveyed to Madison Transit its fee interest in the portion of the right-of-way from milepost A-13.0 to milepost 13.29 (i.e., Engineering Station 702+85), with NS retaining a rail easement. According to Madison Transit, there is no

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Madison Transit has complied with the requirements of 49 CFR 1152.29(d)(2) regarding a request to vacate a NITU. Therefore, this proceeding will be reopened and the partial vacation of the NITU will be granted. Under the circumstances, NS may fully abandon the line between milepost A-13.0 to milepost A-13.29 (i.e., Engineering Station 702+85) if the other conditions imposed have been met.⁴

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

It is ordered:

1. The proceeding is reopened.
2. The NITU served September 14, 1999, is vacated with respect to that portion of the right-of-way between milepost A-13.0 to milepost 13.29 (i.e., Engineering Station 702+85), and Madison Transit will remain as the trail user for the line segment between approximately milepost A-13.29 (i.e., Engineering Station 702+85) and milepost A-20.50. NS may fully abandon the segment for which the NITU has been vacated, if the environmental conditions imposed in this proceeding have been met.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary

³(...continued)
need for this portion to be rail banked under the Trails Act.

⁴ A similar decision is being issued in Norfolk Southern Railway Company–Abandonment Exemption–in Madison and Bond Counties, IL, STB Docket No. AB-290 (Sub-No. 203X), which is being served concurrently with this decision.