

SERVICE DATE - JUNE 18, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 591X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN CLARK AND FLOYD COUNTIES, IN

Decided: June 13, 2002

CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 3.8-mile line of railroad between milepost B-50.5 near Clarksville and milepost B-54.3 near New Albany, in Clark and Floyd Counties, IN. Notice of the exemption was served and published in the Federal Register on July 9, 2001 (66 FR 35826-27). On August 7, 2001, a decision and notice of interim trail use or abandonment (NITU) was served, that reopened the proceeding and authorized a 180-day period for the Civil Town of Clarksville, IN, the City of New Albany, IN, and the City of Jeffersonville, IN (collectively Proponents), to negotiate an interim trail use/rail banking agreement with CSXT for the right-of-way involved in this proceeding.¹ The 180-day period under the NITU was due to expire on February 3, 2002, but was extended through August 2, 2002, by decision served January 31, 2002.

On June 10, 2002, CSXT filed a request to extend the NITU negotiation period until February 3, 2003. CSXT states that the parties (CSXT and Proponents) have been unable to complete the transaction, and that an extension of the negotiating period is necessary to finalize negotiations.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.² An extension of the negotiating period will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the negotiating period will be extended to February 3, 2003.

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

¹ The August 7, 2001 decision also imposed several environmental conditions.

² See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).

It is ordered:

1. The negotiating period under the NITU is extended to February 3, 2003.
2. This decision is effective on its service date.

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

Vernon A. Williams
Secretary