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SERVICE DATE - JULY 27, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 568X)

CSX TRANSPORTATION, INC. — ABANDONMENT EXEMPTION —
IN FRANKLIN COUNTY, PA

Decided: July 26, 2004

By decision and notice of interim trail use or abandonment (NITU) served on March 9, 1999 (March 1999 decision), the Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903 the abandonment by CSX Transportation, Inc. (CSXT), of a 1.9-mile portion of its line of railroad known as the Baltimore Service Lane, Lurgan Subdivision (the line), extending between milepost BAV-20.5 at 4th Street and milepost BAV-22.4 at Commerce Street in Chambersburg, Franklin County, PA, subject to public use, trail use, and standard employee protective conditions.

The March 1999 decision authorized the Borough of Chambersburg to negotiate an interim trail use/rail banking agreement with CSXT for the portion of the line between Main Street at approximately milepost BAV-20.8 and Commerce Street at approximately milepost BAV-22.4, a distance of 1.6 miles. CSXT's requests for extensions of time to exercise abandonment authority (for the entire line, not just for the portion of the line subject to interim trail use negotiations) were granted by decisions served March 22, 2000, January 8, 2001, March 30, 2001, June 19, 2001, September 10, 2001, December 28, 2001, June 24, 2002, September 30, 2002, January 31, 2003, July 29, 2003, and January 20, 2004. Its requests to extend the NITU negotiating period were granted by decisions served January 8, 2001, March 30, 2001, June 19, 2001, September 10, 2001, December 28, 2001, June 24, 2002, September 30, 2002, January 31, 2003, July 29, 2003, and January 20, 2004. Both the abandonment authority and the NITU negotiating period are now scheduled to expire on July 30, 2004.

On July 22, 2004, CSXT filed a request to extend, until January 30, 2005, the time to consummate the abandonment and file its notice of consummation. CSXT also requests that the NITU negotiating period be extended until the same date. CSXT has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this

proceeding. Also, because CSXT is willing to continue negotiations, the NITU negotiating period may be extended.¹ The extension requests will therefore be granted.²

It is ordered:

1. CSXT's request for an extension of time to exercise the abandonment authority and its request to extend the NITU negotiating period are granted.

2. The authority to abandon must be exercised on or before January 30, 2005.

3. The negotiating period under the NITU is extended until January 30, 2005.

4. This decision is effective on its date of service.

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

Vernon A. Williams
Secretary

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

² Although the request slightly exceeds the customary request of 180 days for trail use negotiations, the Board has granted such requests in the past. See, e.g., Southern Pacific Transportation Company — Abandonment Exemption — In Jackson, Victoria and Wharton Counties, TX, Docket No. AB-12 (Sub-No. 162X) (STB served May 29, 1996).