

SERVICE DATE – FEBRUARY 10, 2025

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

Docket No. AB 55 (Sub-No. 817X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN NORFOLK
COUNTY, MASS.

Decided: February 10, 2025

On December 3, 2024, CSX Transportation, Inc. (CSXT), filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon a 1.61-mile rail line that runs between milepost QVF 18.01 and milepost QVF 19.6, on its Northern Region, Franklin Subdivision in Norfolk County, Mass. (the Line). Notice of the exemption was served and published in the Federal Register on January 10, 2025 (90 Fed. Reg. 2,062). The exemption became effective on February 9, 2025.

On January 14, 2025, the Town of Franklin, Mass. (Town), requested issuance of a notice of interim trail use or abandonment (NITU) to negotiate with CSXT to establish interim trail use and rail banking for the Line under the National Trails System Act, 16 U.S.C. § 1247(d). On January 21, 2025, CSXT filed a letter agreeing to negotiate with the Town toward a possible interim trail use/rail banking arrangement for the Line.

The Board's Office of Environmental Analysis (OEA) served a Draft Environmental Assessment (Draft EA) on January 14, 2025, recommending that no conditions be imposed on any decision granting abandonment authority and soliciting public comments. OEA issued a Final EA on February 3, 2025, noting that no comments on the Draft EA were received. No environmental or historic preservation issues have been raised by any party or identified by OEA. Accordingly, a finding of no significant impact under 49 C.F.R. § 1105.10(g) will be made pursuant to 49 C.F.R. § 1011.7(a)(2)(ix).

Interim Trail Use. Town's request for a NITU complies with the requirements of 49 C.F.R. § 1152.29, and CSXT has notified the Board that it is willing to negotiate with Town toward an agreement for interim trail use. Therefore, a NITU will be issued for the Line. The parties may negotiate an agreement during the one-year period prescribed below. If an interim trail use/rail banking agreement is reached (and thus, interim trail use/rail banking is established), the parties shall jointly notify the Board within 10 days that an agreement has been reached. 49 C.F.R. § 1152.29(d)(2) & (h). If no agreement is reached within one year, CSXT may fully abandon the Line subject to any outstanding conditions. See 49 C.F.R. § 1152.29(d)(1). Use of the right-of-way for trail purposes is subject to possible future reconstruction and reactivation of the right-of-way for rail service.

It is ordered:

1. This proceeding is reopened.
2. Abandonment of the Line will have no significant effect on the quality of the human environment and conservation of energy resources or on historic resources.
3. Upon reconsideration, the notice served and published in the Federal Register on January 10, 2025, exempting the abandonment of the Line described above is modified to the extent necessary to implement interim trail use/rail banking as set forth below to permit Town to negotiate with CSXT for trail use for the Line for a period of one year from the service date of this decision and notice, until February 10, 2026.
4. If an interim trail use/rail banking agreement is reached, it must require the trail sponsor to assume, for the term of the agreement, full responsibility for: (i) managing the right-of-way; (ii) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify the railroad against any potential liability); and (iii) the payment of any and all taxes that may be levied or assessed against the right-of-way.
5. Interim trail use/rail banking is subject to possible future reconstruction and reactivation of the right-of-way for rail service and to the trail sponsor's continuing to meet its responsibilities for the right-of-way described in paragraph 4 above.
6. If an interim trail use agreement is reached (and thus, interim trail use is established), the parties shall jointly notify the Board within 10 days that an agreement has been reached. See 49 C.F.R. § 1152.29(d)(2) and (h).
7. If interim trail use is implemented, and subsequently the trail sponsor intends to terminate trail use on all or any portion of the right-of-way covered by the interim trail use agreement, it must send the Board a copy of this decision and notice and request that it be vacated on a specified date.
8. If an agreement for interim trail use/rail banking is reached by February 10, 2026, interim trail use may be implemented. If no agreement is reached, CSXT may fully abandon the Line.
9. This decision is effective on its service date.

By the Board, Mai T. Dinh, Director, Office of Proceedings.