

SERVICE DATE – APRIL 1, 2020

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

Docket No. AB 55 (Sub-No. 734X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN BUTLER
COUNTY, OHIO

Decided: March 31, 2020

CSX Transportation, Inc. (CSXT), filed a notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon approximately 2.96 miles of rail line on its Northern Region, Louisville Division, Indianapolis Subdivision, between milepost BDA 0.0 and the end of the track at approximately milepost BDA 2.96 in Hamilton, Butler County, Ohio. Notice of the exemption was served and published in the Federal Register on April 24, 2014 (79 Fed. Reg. 22,840). The exemption became effective on May 24, 2014.

By decision and notice of interim trail use or abandonment (NITU) served on May 23, 2014, the proceeding was reopened and a 180-day period was authorized for the City of Hamilton, Ohio (the City) to negotiate an interim trail use/rail banking agreement with CSXT for the right-of-way pursuant to the National Trails System Act, 16 U.S.C. § 1247(d).¹ The negotiating period under the NITU was extended a number of times. On November 21, 2019, CSXT and the City informed the Board that an agreement was reached for interim trail use/rail banking.

On February 26, 2020, the City filed a letter, pursuant to 49 C.F.R. § 1152.29(d)(2), stating that it intends to terminate interim trail use between milepost BDA 1.81 and milepost BDA 2.96. The City requests that the Board vacate the NITU and issue a replacement NITU for the portion between milepost BDA 0.0 and milepost BDA 1.81.

The City has complied with the requirements of 49 C.F.R. § 1152.29(d)(2). Therefore, this proceeding will be reopened and a replacement NITU for only the portion of the right-of-way between milepost BDA 0.0 and milepost BDA 1.81 will be issued. CSXT may consummate the abandonment of the portion between milepost BDA 1.81 and milepost BDA 2.96. Because there are no remaining legal or regulatory barriers to consummation for that portion, a notice of consummation must be filed by May 31, 2020, or the abandonment authority will expire. 49 C.F.R. § 1152.29(e)(2).

¹ The May 23, 2014 decision also issued a public use condition that expired on November 20, 2014.

It is ordered:

1. This proceeding is reopened.
2. The NITU served on May 23, 2014, is vacated.
3. A replacement NITU for the portion of the right-of-way between milepost BDA 0.0 and milepost BDA 1.81, is issued.
4. This decision is effective on its service date.

By the Board, Allison C. Davis, Director, Office of Proceedings.