

SERVICE DATE – NOVEMBER 19, 2025

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1240 (Sub-No. 1X)

SOUTHWEST PENNSYLVANIA RAILROAD COMPANY—
ABANDONMENT EXEMPTION—IN FAYETTE COUNTY, PA.

Decided: November 19, 2025

Southwest Pennsylvania Railroad Company (SWP) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon approximately 1.87 miles of rail line near Uniontown, Fayette County, Pa., extending (1) approximately 0.66 miles from V.S. 874+34 at Redstone Junction near Washington Street to V.S. 839+30 at the north side of Oliver Road, and (2) approximately 1.21 miles from V.S. 1926+00 on the west side of North Gallatin Avenue Extension to V.S. 1989+93 near Coal Lick Run Junction near the North Union Township/City of Uniontown border (the Line). Notice of the exemption was served and published in the Federal Register on November 20, 2024 (89 Fed. Reg. 91,870), and the exemption became effective on December 20, 2024. The November 20, 2024 notice stated that if consummation has not been effected by SWP's filing a notice of consummation by November 20, 2025, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire.

On November 13, 2024, SWP filed a request for an extension of the deadline to file its notice of consummation until November 20, 2026. According to SWP, over the past year, it has been engaged with a party seeking to negotiate a purchase of SWP's interest in the Line pursuant to the National Trails System Act (Trails Act), 16 U.S.C. § 1247(d). (Req. 3.)¹ SWP states that substantial progress has been made during these negotiations, but it does not believe a final sale agreement will be reached before November 20, 2025. (Id.) SWP acknowledges that there is no notice of interim trail use or abandonment (NITU) in place pursuant to the Trails Act, and that the deadline for filing a NITU request has passed, but it argues that the Board retains discretion to accept late-filed NITU requests, citing Board precedent. (Id. at 4.) SWP notes that it has not consummated the abandonment of the Line and that it believes a NITU request will be forthcoming in the near future. (Id.)

Under 49 C.F.R. § 1152.29(e)(2), a railroad may, for good cause, seek extension of the consummation deadline in abandonment proceedings so long as the request is filed sufficiently in advance of the deadline to allow for timely processing. Here, SWP has not demonstrated good cause for extending the consummation deadline for an additional year. SWP states that the

¹ SWP's filing does not have page numbers. The page numbers cited in this decision refer to the PDF page numbers of the filing.

requested extension is to provide additional time to conclude negotiations for an unnamed party to acquire SWP's interest in the Line pursuant to the Trails Act; however, no NITU has been issued in this proceeding. If SWP and the party with whom it has been negotiating wish to negotiate toward an interim trail use/railbanking agreement under the Trails Act, SWP should ensure that the potential trail sponsor promptly files with the Board a NITU request. See 49 C.F.R. § 1152.29(a), (b). SWP's consummation deadline will be extended 30 days, until December 20, 2025, to provide time for that party, or any other interested trail sponsor, to file a NITU request for the Line.²

It is ordered:

1. SWP's request for an extension of time to consummate the abandonment is granted to the extent set forth above.
2. If consummation has not been effected by SWP's filing of a notice of consummation by December 20, 2025, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.
3. This decision is effective on its service date.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

² If a NITU is issued, it becomes a barrier to consummation and provides one year for the parties to negotiate an interim trail use/railbanking agreement.