

SERVICE DATE – DECEMBER 18, 2025

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

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

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

Decided: December 18, 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 the deadline for a request for a notice of interim trail use or abandonment (NITU) pursuant to the National Trails System Act (Trails Act), 16 U.S.C. § 1247(d), was December 2, 2024. The notice further 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 to November 20, 2026. By decision served November 19, 2025, the deadline for SWP to file its notice of consummation of abandonment was extended, but only until December 20, 2025, and SWP was directed to ensure that a potential trail sponsor, with whom it was negotiating, promptly file a request for a NITU. See Sw. Pa. R.R.—Aban. Exemption—in Fayette Cnty., Pa., AB 1240 (Sub-No. 1X) (STB served Nov. 19, 2025).

On December 11, 2025, North Union Township, Pa. (Township), filed a request for issuance of a NITU. The Township acknowledges the December 2, 2024 deadline to file a NITU request has passed but argues that the Board routinely grants late-filed NITU requests if the abandonment has not been consummated and the railroad is willing to negotiate. (NITU Req. 2 n.1.) According to the Township, SWP has been in discussions to sell its interest in the Line to the Township pursuant to the Trails Act, with funds to be contributed by Fay-Penn Economic Development Council. (*Id.* at 1.) The Township also states that SWP has agreed to consent to issuance of the NITU, and the parties intend to execute a purchase and sale agreement for the Line once negotiations have concluded. (*Id.*)

On December 11, 2025, SWP notified the Board that it is willing to negotiate with the Township for interim trail use/railbanking of the Line.

The Township's NITU request complies with the requirements of 49 C.F.R. § 1152.29, and SWP has notified the Board it is willing to negotiate for interim trail use/railbanking. Therefore, a NITU will be issued.¹ SWP and the Township may negotiate an interim trail use/railbanking agreement for the Line's right-of-way during the one-year period prescribed below. If an interim trail use/railbanking 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. 49 C.F.R. § 1152.29(d)(2), (h). If no agreement is reached within one year, SWP may fully abandon the Line, subject to any outstanding conditions. 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. The Township's request for a NITU is granted.
3. The notice served and published in the Federal Register on November 20, 2024, exempting the abandonment of the Line described above is modified to the extent necessary to implement interim trail use/railbanking as set forth below to permit the Township to negotiate with SWP for interim trail use/railbanking of the Line for a period of one year from the service date of this decision and notice, until December 18, 2026.
4. If an interim trail use/railbanking 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/railbanking 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.

¹ The Board routinely grants late-filed requests for the issuance of a NITU if the abandonment has not been consummated and the railroad indicates a willingness to negotiate. See, e.g., BNSF Ry.—Aban. Exemption—in Cook Cnty., Ill., AB 6 (Sub-No. 493X), slip. op. 2 (Nov. 23, 2016).

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), (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 December 18, 2026, for the right-of-way, interim trail use may be implemented. If no agreement is reached, SWP may fully abandon the Line, subject to any outstanding conditions.

9. This decision is effective on its service date.

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