

SERVICE DATE – JANUARY 26, 2026

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

Docket No. AB 55 (Sub-No. 819X)

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

Decided: January 26, 2026

CSX Transportation, Inc. (CSXT), filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon an approximately 0.69-mile rail line extending between milepost BCE 1.41 and milepost BCE 2.1, on its Northern Region, Philadelphia Subdivision, Delaware Industrial Track in Philadelphia County, Pa. (the Line). Notice of the exemption was served and published in the Federal Register on July 14, 2025 (90 Fed. Reg. 31,562).

By decision served on August 22, 2025, the proceeding was reopened, and the Board imposed a public use condition requested by the City of Philadelphia (the City). That condition is scheduled to expire on February 19, 2026. An environmental condition was also imposed in that decision.

On September 30, 2025, the Open Space Institute Land Trust, Inc. (OSILT), late-filed a request for 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).¹ On the same date, CSXT filed a letter agreeing to negotiate with OSILT toward a possible interim trail use/rail banking arrangement for the Line.

OSILT'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 OSILT 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.

¹ OSILT also requested that the Board accept its late-filed NITU request. It notes that the City has been interested in railbanking the Line and that OSILT has recently been brought into discussions. (NITU Request 2.) OSILT's request will be granted. See 49 C.F.R. § 1152.29(e)(1); Ala. & Fla. Ry.—Aban. Exemption—in Geneva, Coffee, & Covington Cntys., Ala., AB 1073 (Sub-No. 1X), slip op. at 2 n.2 (STB served Mar. 24, 2022) (“The Board routinely grants late-filed requests for the issuance of a notice of interim trail use if the abandonment has not been consummated and the railroad indicates a willingness to negotiate.”).

§ 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. The notice served and published in the Federal Register on July 14, 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 OSILT 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 January 26, 2027.
3. 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.
4. 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.
5. 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).
6. 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.
7. If an agreement for interim trail use/rail banking is reached for the Line by January 26, 2027, interim trail use may be implemented. If no agreement is reached, CSXT may fully abandon the Line, subject to any outstanding conditions.
8. This decision is effective on its date of service.

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