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SERVICE DATE - AUGUST 3, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-167 (Sub-No. 1161X)

CONSOLIDATED RAIL CORPORATION--ABANDONMENT EXEMPTION--
IN VERMILION AND CHAMPAIGN COUNTIES, IL

Decided: July 29, 1999

On February 7, 1997, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for Champaign County Design and Conservation Foundation (CCDC Foundation) to negotiate an interim trail use/rail banking agreement with Consolidated Rail Corporation (Conrail)¹ for approximately 24.50 miles of its line of railroad known as the Pekin Secondary Track from approximately milepost 4.00 to approximately milepost 28.50, in Vermilion and Champaign Counties, IL.² At the request of the CCDC Foundation, the negotiation period under the NITU was extended by decisions served August 1, 1997, February 3, 1998, August 14, 1998, and January 29, 1999. The latest extension is scheduled to expire on July 29, 1999.

On July 26, 1999, CCDC Foundation filed a request to extend the negotiation period for an additional 180 days. CCDC Foundation states that the parties have been negotiating in good faith to reach an agreement for interim trail use rail banking and that it is prepared to sign a written agreement of sale, and has completed all of the studies required under the proposed agreement. CCDC Foundation also states that it is awaiting CSX's corporate approval of agreement of sale documents and the preparation of closing documents. By facsimile dated July 29, 1999, CSX, as

¹ By decision served July 23, 1998, the Board approved, subject to certain conditions, the acquisition of control of Conrail, and the division of the assets thereof, by CSX Corporation and CSX Transportation, Inc. (referred to collectively as CSX) and Norfolk Southern Corporation and Norfolk Southern Railway Company (referred to collectively as NS). See CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company--Control and Operating Leases/Agreements--Conrail Inc. and Consolidated Rail Corporation, STB Finance Docket No. 33388, Decision No. 89 (STB served July 23, 1998). Acquisition of control of Conrail was effected by CSX and NS on August 22, 1998. The division of assets of Conrail was effected by CSX and NS on June 1, 1999. See CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company--Control and Operating Leases/Agreements--Conrail Inc. and Consolidated Rail Corporation, STB Finance Docket No. 33388, Decision No. 127 (STB served May 20, 1999).

² Notice of the exemption was published in the Federal Register on June 28, 1996 (60 FR 33695). A petition to revoke the exemption, filed by Mr. Joseph C. Szabo, on behalf of the United Transportation Union, remains pending and will be decided in a separate decision.

Conrail's successor-in-interest in this proceeding, advised that it supports the 180-day extension request.

Because CSX is willing to continue trail use negotiations with CCDC and an extension of the negotiation period will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d), the requested extension will be granted.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The negotiating period under the NITU is extended to January 25, 2000.
2. The decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary