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SERVICE DATE - JUNE 25, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-167 (Sub-No. 1182X)

CONSOLIDATED RAIL CORPORATION-ABANDONMENT
EXEMPTION-IN INDIANA COUNTY, PA

Decided: June 20, 2002

On July 31, 1998, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for the Cambria and Indiana Trail Council (CITC) to negotiate an interim trail use/rail banking agreement with Consolidated Rail Corporation (Conrail) for an 11.80-mile portion of the Blairsville Secondary Track between milepost 5.70± and milepost 17.50± in Indiana County, PA.¹ The negotiation period under the NITU was extended several times at the request of CITC, and is currently scheduled to expire on June 26, 2002.²

On June 11, 2002, CITC filed for an additional 180-day extension of the negotiation period until December 26, 2002.³ CITC states that, due to the acquisition of certain Conrail assets by Norfolk Southern Railway Company (NS) and subsequent transactions that are still occurring, negotiations between the parties (CITC and Conrail/NS) will require more time. In a response submitted by facsimile on June 14, 2002, NS advised that it supports the extension request.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.⁴ Under the circumstances, an extension of the negotiation period is warranted and will promote the establishment of trail use and rail banking consistent with the National Trails System

¹ Notice of the exemption was published in the Federal Register on March 12, 1998 (63 FR 12148-49).

² The negotiation period under the NITU was extended by decisions served February 2, 1999, July 23, 1999, February 9, 2000, February 9, 2001, June 22, 2001, and December 21, 2001.

³ Because the NITU is scheduled to expire on June 26, 2002, a 180-day extension would run until December 23, 2002.

⁴ See Rail Abandonments-Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).

Act, 16 U.S.C. 1247(d). Accordingly, the negotiating period will be extended to December 26, 2002.⁵

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 December 26, 2002.
2. The decision is effective on its service date.

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

Vernon A. Williams
Secretary

⁵ Although the request slightly exceeds the customary request of 180 days, the Board has granted such requests in the past. See, e.g., Southern Pacific Transportation Company--Abandonment Exemption--In Jackson Victoria and Wharton Counties, TX, Docket No. AB-12 (Sub-No. 162X) (STB served May 29, 1996).