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SERVICE DATE – LATE RELEASE OCTOBER 1, 2010

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 290 (Sub-No. 314X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN
LATROBE, WESTMORELAND COUNTY, PA.

Decided: October 1, 2010

Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon a 2.04-mile line of railroad between milepost XN-0.00 and milepost XN-2.04, in Latrobe, Westmoreland County, Pa. Notice of the exemption was served and published in the Federal Register on September 4, 2009 (74 Fed. Reg. 45,890-91).

By decision and notice of interim trail use or abandonment (NITU) served on October 6, 2009, the proceeding was reopened and a 180-day period was authorized for Latrobe-Unity Parks & Recreation Commission and the Latrobe Foundation (Proponent) to negotiate an interim trail use/rail banking agreement with NSR for the right-of-way involved in this proceeding. The trail use negotiating period was set to expire on April 5, 2010. By decision served on March 30, 2010, the trail use negotiating period under the NITU was extended 180 days until October 2, 2010.

On September 23, 2010, Proponent requested an additional extension of the negotiation period for 180 days. Proponent states that it has come to an agreement on the purchase price and is working toward resolving other issues before the sale can be completed. Proponent further states that NSR is still in the process of finalizing plans to salvage the rail, tracks, ties and other materials on the line, and that NSR will have to complete the salvage operation before the sale can be completed. On September 27, 2010, NSR filed a letter with the Board consenting to the extension request.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.¹ An extension of time will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. § 1247(d). Accordingly, the NITU negotiating period will be extended 180 days until March 31, 2011.

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

¹ See Rail Abans.—Use of Rights-of-Way as Trails—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

It is ordered:

1. Proponent's request to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended until March 31, 2011.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.