

SERVICE DATE - JUNE 22, 2001

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: June 18, 2001

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 At the request of CITC, the negotiation period under the NITU was extended by decisions served February 2, 1999, July 23, 1999, February 9, 2000, and February 9, 2001. The latest extension is scheduled to expire on June 26, 2001.

On June 14, 2001, CITC filed for an additional 180-day extension of the negotiation period until December 26, 2001.² 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 by facsimile filed on June 12, 2001, and amended on June 15, 2001, NS states that it has not consummated the abandonment and that it supports the extension request.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. 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 Act, 16 U.S.C. 1247(d). Accordingly, the negotiating period will be extended to December 26, 2001.³

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

² Because the NITU is scheduled to expire on June 26, 2001, a 180-day extension would run until December 23, 2001.

³ 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).

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, 2001.
2. The decision is effective on its service date.

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

Vernon A. Williams
Secretary