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SERVICE DATE – SEPTEMBER 26, 2011

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: September 26, 2011

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 (Proponents) to negotiate an interim trail use/rail banking agreement with NSR for the right-of-way involved in this proceeding. By decisions served on March 30, 2010, October 1, 2010, and March 23, 2011, the NITU negotiating period was extended until September 27, 2011.

On August 30, 2011, Proponents requested an additional extension of the negotiation period for 180 days. Proponents state that substantial progress has been made toward completing the purchase of the right-of-way (ROW). Proponents state that NSR has completed removal of all rails, ties, and other equipment from the ROW and NSR has reconstructed all the road crossings. Proponents further state that the entire property has been surveyed and a new property description has been prepared. Finally, Proponents state that NSR is preparing the Agreement of Sale and that the parties are moving towards closing the transaction in the near future. On August 30, 2011, 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 25, 2012.

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

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

It is ordered:

1. Proponents' request to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended until March 25, 2012.
3. This decision is effective on its service date.

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