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SERVICE DATE - JANUARY 29, 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: January 26, 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) 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. At the request of the CCDC Foundation, the negotiation period under the NITU was extended by decisions served August 1, 1997, February 3, 1998, and August 12, 1998. The latest extension expires on January 30, 1999.<sup>1</sup>

On January 20, 1999, CCDC Foundation filed a request to extend the negotiation period for an additional 180 days. CCDC Foundation states that it and Conrail have been negotiation 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 Conrail's corporate approval of agreement of sale documents and the preparation of closing documents. By facsimile dated January 22, 1999, Conrail advised that it supports the 180-day extension request.

Because Conrail 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) (Trails Act), the requested extension will be granted. The purpose of the Trails Act is to preserve rail corridors for possible reactivation of rail service by permitting and encouraging their interim use as recreational trails. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990).<sup>2</sup>

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<sup>1</sup> Notice of the exemption was published in the Federal Register on June 28, 1996 (60 FR 33695).

<sup>2</sup> See Rail Abandonments Supplement Trails Act Procedures, 4 I.C.C.2d 152 (1987); Missouri Pacific Railroad Company--Abandonment in OK, Docket No. AB-3 (Sub-No. 63) (ICC served Jan. 2, 1990); and St. Louis Southwestern Railway Company--Abandonment in Smith and Cherokee Counties, TX, Docket No. AB-39 (Sub-No. 12) (ICC served Mar. 27, 1992).

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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 July 29, 1999.
2. The decision is effective on its service date.

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

Vernon A. Williams  
Secretary