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SERVICE DATE - OCTOBER 16, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-491 (Sub-No. 1X)

R.J. CORMAN RAILROAD COMPANY/PENNSYLVANIA LINES, INC.—ABANDONMENT
EXEMPTION—IN CLEARFIELD AND CENTRE COUNTIES, PA

Decided: October 11, 2001

By decision and notice of interim trail use or abandonment (NITU) served on April 3, 2001, R.J. Corman Railroad Company/Pennsylvania Lines, Inc. (RJCP), was granted an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon approximately 22.7 miles consisting of 6 segments of its Wallaceton Branch in Clearfield and Centre Counties, PA,¹ subject to trail use, public use, environmental, and standard employee protective conditions. The NITU authorized RJCP to negotiate an interim trail use/rail banking agreement with the Clearfield County Rails to Trails Association (CCRТА), pursuant to the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The negotiating period under the NITU expired on September 30, 2001.

On October 4, 2001, CCRТА filed a petition for an extension of the negotiating period for an additional 180 days. According to CCRТА, additional time is needed to continue negotiations and to reach an agreement on trail use/rail banking. In a letter to CCRТА dated September 10, 2001,² RJCP agreed to the extension.

¹ The 6 segments of the Wallaceton Branch are: (1) the Wallaceton Secondary, between approximately milepost 9.2, near Bigler, and approximately milepost 11.7, near Wallaceton; (2) the Mills Industrial Track, between approximately milepost 11.2, near Wallaceton, and approximately milepost 24.5, near Osceola Mills; (3) the Bigler Industrial Track, between approximately mileposts 31.4 and 31.8; (4) the Moshannon-Clearfield Industrial Track, between approximately mileposts 0.0 and 4.0; (5) the Trout Run Branch, between approximately mileposts 0.0 and 2.2; and (6) the Big Run Branch, between approximately mileposts 0.0 and 0.3.

² CCRТА attached a copy of this letter to its petition.

Where, as here, the carrier has not consummated the abandonment at the end of the previously imposed negotiating period and is willing to continue trail use negotiations, the Board retains jurisdiction and the NITU negotiating period may be extended.³ Under the circumstances, further extension of the negotiating period is warranted. See Birt v. STB, 90 F.3d 580, 588-90 (D.C. Cir. 1996); Grantwood Village v. Missouri Pac. R.R. Co., 95 F.3d 654, 659 (8th Cir. 1996), cert. denied, 519 U.S. 1149 (1997). Accordingly, the NITU negotiating period will be extended for 180 days from September 30, 2001, or until March 29, 2002.

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

It is ordered:

1. The request to extend the interim trail use negotiating period is granted.
2. The negotiating period under the NITU is extended to March 29, 2002.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary

³ See Rail Abandonment–Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).