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SERVICE DATE - JULY 10, 1998

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB-167 (Sub-No. 1132X)

CONSOLIDATED RAIL CORPORATION--ABANDONMENT EXEMPTION--BETWEEN
BURGETTSTOWN, WASHINGTON COUNTY, PA, AND COLLIERS,
BROOK COUNTY, WV

Decided: July 9, 1998

By decision and notice of interim trail use or abandonment (NITU) served March 7, 1994, a 180-day period was authorized for National Pike Trail Council (NPTC) to negotiate an interim trail use/rail banking agreement with Consolidated Rail Corporation (Conrail) for its 9-mile right-of-way between milepost 26.7± near Burgettstown, PA, to milepost 35.7± near Colliers, WV. At the request of NPTC, and with Conrail's consent, the negotiation period was subsequently extended by decisions served August 3, 1994, February 10, 1995, July 21, 1995, December 28, 1995, August 20, 1996, January 8, 1997, July 10, 1997, and January 9, 1998.

On July 6, 1998, NPTC filed a request for another 180-day extension of the trail use negotiating period. NPTC states that the additional time is needed to complete negotiations because the pending acquisition of Conrail has added a new dimension to the proposed trail project. NPTC also states that additional time is required to continue negotiations over the issue of railroad crossings over public roadways. The Pennsylvania Public Utility Commission has ordered a moratorium on the disposition of railroad bridges suitable for potential trail use. NPTC needs to resolve the bridge issue and to coordinate with the Washington County Commission and others to develop plans for an environmental report and bridge repair or removal estimates. Conrail supports the 180-day extension request.

Where, as here, the carrier has not abandoned the line at the end of the previously imposed negotiating period and is willing to continue trail use negotiations, the Board's jurisdiction is not terminated and the negotiating period may be extended.¹ Under the circumstances, a further extension is warranted and will promote the establishment of trails and rail banking consistent

¹ See Rail Abandonments - Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the NITU negotiating period will be extended for an additional 180 days from July 9, 1998.²

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

It is ordered:

1. NPTC's request to extend the negotiation period under the NITU for an additional 180 days is granted.
2. The NITU negotiating period is extended through January 5, 1999.
3. This decision is effective on the date of service.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams
Secretary

² On January 20, 1998, the National Association of Reversionary Property Owners (NARPO) filed a petition for administrative review of the January 9 decision, which granted the last extension request. Conrail replied. On February 20, 1998, the Harmon Creek Trail Association, Weirton Parks and Recreation Board and the West Virginia Rail Authority filed comments in opposition to NARPO's petition. The granting of this extension request does not prejudice the petition for administrative review, which will be considered in a separate decision.