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SERVICE DATE - NOVEMBER 14, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-491X

R.J. CORMAN RAILROAD COMPANY/PENNSYLVANIA
LINES-ABANDONMENT EXEMPTION-IN CAMBRIA COUNTY, PA

Decided: November 9, 2000

A decision and notice of interim trail use or abandonment (NITU) served on December 12, 1997, established a 180-day period for the Cambria and Indiana Trail Council (Council) to negotiate an interim trail use/rail banking agreement with the R.J. Corman Railroad Company/Pennsylvania Lines (RJCP) for the 9.6-mile line of railroad known as the Blacklick Secondary, extending from milepost 6.4 at Ebensburg Junction to the end of the track at milepost 16, east of Nanty Glo, in Cambria County, PA. Thereafter, pursuant to the offer of financial assistance provisions of 49 U.S.C. 10904, the Cambria and Indiana Railroad Company (C&I) purchased the 4.5-mile portion of the line between milepost 6.4 and a connection with C&I's track at milepost 10.45189. The trail use condition remained viable for the remainder of the line between milepost 10.45189 and milepost 16 and, through a series of subsequent decisions, the NITU negotiation period was extended until September 7, 2000.

On November 6, 2000, RJCP and the Cambria County Conservation and Recreation Authority (Authority) jointly filed a request to extend the negotiation period for an additional 30 days.¹ They state that they have reached a trail use agreement but need additional time to execute and record the documents.

Even if the negotiation period expires, when a carrier consents to continue negotiations and has not consummated abandonment of the line at the end of the previously imposed period, the Board continues to have jurisdiction to grant an extension. Because an extension of the negotiation period will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d), and the rail carrier has indicated its willingness to continue negotiations by requesting an extension of the negotiation period, the request will be granted. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990). Accordingly, the NITU negotiation period will be extended until December 14, 2000.

¹ According to RJCP and the Authority, the Council's rights and obligations with respect to trail use for the line have been assigned to the Authority.

This action 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 NITU negotiation period is granted.
2. The NITU negotiation period is extended until December 14, 2000.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary