

29361  
DO

SERVICE DATE - JULY 6, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-491X

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

Decided: June 30, 1998

A decision and notice of interim trail use or abandonment (NITU) served December 12, 1997, established a 180-day period (until June 10, 1998) 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.<sup>1</sup> Thereafter, pursuant to the offer of financial assistance provisions of 49 U.S.C. 10904, the Cambria and Indiana Railroad Company (C&I) was authorized to acquire a 4.5-mile portion of the line, between milepost 6.4 and a connection with C&I's track at milepost 10.45189. Otherwise, the trail use condition remains viable for the remainder of the line between milepost 10.45189 and milepost 16.

On June 18, 1998, the Council filed a request to extend the NITU negotiation period until December 14, 1998. The Council states that the negotiations were delayed by the intervening OFA process and that additional time is needed to finalize negotiations for the remaining 5.5 miles of the Blacklick Secondary. The Council represents that RJCP concurs in the requested extension of the negotiation period.

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 parties agree on the necessity for the extension, 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, 1998.<sup>2</sup>

---

<sup>1</sup> The decision also imposed a public use condition under 49 U.S.C. 10905 that is scheduled to expire on July 10, 1998.

<sup>2</sup> The 180-day period would normally run from June 10, 1998, when the prior trail use negotiation period expired. An extension to December 14, 1998, provides a period that is slightly  
(continued...)

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

It is ordered:

1. The Council's request to extend the NITU negotiation period is granted.
2. The NITU negotiation period is extended until December 14, 1998.
3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary

---

<sup>2</sup>(...continued)

longer than 180 days but is appropriate under these circumstances. The 180-day period is not statutory. It was adopted in Rail Abandonments--Use of Rights-of-Way as Trails, 2 I.C.C.2d 591, 605 (1986), to promote the expeditious conclusion of negotiations.