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SERVICE DATE - FEBRUARY 2, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-167 (Sub-No. 1182X)

CONSOLIDATED RAIL CORPORATION--ABANDONMENT
EXEMPTION--IN INDIANA COUNTY, PA

Decided: January 28, 1999

On July 31, 1998, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for the Cambria and Indiana Trail Council (CITC) to negotiate an interim trail use/rail banking agreement with Consolidated Rail Corporation (Conrail) for an 11.80-mile portion of the Blairsville Secondary Track between milepost 5.70± and milepost 17.50± in Indiana County, PA. The 180-day period under the NITU expired on January 27, 1999.¹

On January 25, 1999, CITC filed a request to extend the negotiation period for an additional 180 days. CITC states, that due to the acquisition of control of Conrail by Norfolk Southern Corporation and CSX Corporation, the parties (CITC and Conrail) were unable to complete negotiations in a timely manner. By facsimile dated January 27, 1999, Conrail advised that it supports the 180-day extension request.

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 to extend the NITU negotiating period.² 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 (Trails Act). 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).

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

¹ Notice of the exemption was published in the Federal Register on March 12, 1998 (63 FR 12148-49).

² See Rail Abandonments Supplement Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (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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It is ordered:

1. The negotiating period under the NITU is extended to July 26, 1999.
2. The decision is effective on its service date.

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

Vernon A. Williams
Secretary