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SERVICE DATE – LATE RELEASE DECEMBER 20, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 606X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN ALLEGHENY COUNTY, PA

Decided: December 20, 2006

By decision and notice of interim trail use or abandonment (NITU) served on June 14, 2002 (June 2002 decision), the Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903, the abandonment by CSX Transportation, Inc. (CSXT) of a 2.1-mile line of railroad in its Northeast Region, Baltimore Division, P&W Subdivision, extending between milepost BFH 0.0 and milepost BFH 2.1, in Pittsburgh, Allegheny County, PA, subject to trail use, historic preservation and standard employee protective conditions. The June 2002 decision authorized the City of Pittsburgh, PA (Pittsburgh), to negotiate with CSXT for interim trail use/rail banking for the 1.6-mile portion of the right-of-way (ROW) between milepost BFH 0.5 and milepost BFH 2.1. Subsequently, by decision served July 12, 2002, the NITU was modified to provide a similar period for the Borough of Millvale (Millvale) to negotiate an interim trail use/rail banking agreement over the remaining 0.5-mile portion of the rail line between milepost BFH 0.0 and milepost BFH 0.5. The NITU negotiating periods were due to expire on December 11, 2002, for Pittsburgh, and on January 8, 2003, for Millvale. Both negotiating periods were extended through December 20, 2006, by decisions served on December 9, 2002, July 5, 2005, January 26, 2006, and June 22, 2006. The June 2002 decision also stated that, if consummation had not been effected by the filing of a notice of consummation by June 14, 2003, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire. By decisions served on August 26, 2003, January 8, 2004, July 14, 2004, December 23, 2004, July 5, 2005, January 26, 2006, and June 22, 2006, the due date for filing a notice of consummation was extended until February 18, 2007.

In a letter filed December 15, 2006, CSXT requests an extension of the negotiating period for both Pittsburgh and Millvale until June 18, 2007, and an extension of the consummation notice filing deadline until August 17, 2007. CSXT states that it has not consummated the abandonment, has been unable to finalize negotiations with Pittsburgh and Millvale, and desires to continue to negotiate for interim trail use/rail banking with Pittsburgh and Millvale.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.¹ An extension of the negotiating period will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). An extension of the consummation deadline also is justified. Accordingly, the NITU negotiating period will be extended until June 18, 2007, and the consummation notice filing deadline will be extended until August 17, 2007. Given the time that has elapsed since abandonment authority was granted, however, the negotiation parties are urged to conclude their trail use negotiations so that further extensions of the negotiation period are not necessary.

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

It is ordered:

1. CSXT's request to extend the NITU negotiating period and the consummation notice filing deadline is granted.
2. The NITU negotiating period is extended to June 18, 2007, and the consummation notice filing deadline is extended to August 17, 2007.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary

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