

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB-167 (Sub-No. 1148)<sup>1</sup>

CONSOLIDATED RAIL CORPORATION--ABANDONMENT--BETWEEN  
WALKERS MILL AND BURGETTSTOWN, IN ALLEGHENY AND WASHINGTON  
COUNTIES, PA

Decided: July 9, 1997

By decision and certificate of interim trail use or abandonment (CITU) served July 14, 1995, a 180-day period was authorized for National Pike Trail Council (NPTC) and Allegheny County, PA, to negotiate an interim trail use/rail banking agreement with Consolidated Rail Corporation (Conrail) for the 15.7-mile right-of-way between milepost 11.00 at Walkers Mill and milepost 26.7 at Burgettstown, in Allegheny and Washington Counties, PA. At NPTC's request, the 180-day trail use negotiating period was extended through July 7, 1997, by decisions served December 22, 1995, August 22, 1996, and January 14, 1997.

By petition filed June 23, 1997, NPTC requests another 180-day extension of the trail use negotiating period stating that the additional time is needed to continue negotiations, complete an appraisal, assemble and review title information, and evaluate structures on the corridor. NPTC states that Conrail has consented to the extension.

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.<sup>2</sup> Under the circumstances, a further extension is warranted and will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the CITU negotiating period will be extended for an additional 180 days from July 7, 1997.

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

*It is ordered:*

1. The CITU negotiating period is extended through January 5, 1998.
2. This decision is effective on the date of service.

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<sup>1</sup> The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (ICCTA), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Surface Transportation Board (Board). Section 204 (b)(1) of the ICCTA provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the ICCTA. This decision relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10903. Therefore, this decision applies the law in effect prior to the ICCTA, and citations are to the former sections of the statute, unless otherwise indicated.

<sup>2</sup> See *Rail Abandonments - Supplemental Trails Act Procedures*, 4 I.C.C.2d 152, 157-58 (1987).

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

Vernon A. Williams  
Secretary