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SEC

SERVICE DATE - FEBRUARY 13, 1998

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB-167 (Sub-No. 1132X)

CONSOLIDATED RAIL CORPORATION--ABANDONMENT EXEMPTION--  
BETWEEN BURGETTSTOWN, WASHINGTON COUNTY, PA,  
AND COLLIERS, BROOKE COUNTY, WV

Decided: February 11, 1998

On March 7, 1994, a decision and notice of interim trail use or abandonment (NITU) was served, which established a 180-day period for National Pike Trail Council (NPTC) to negotiate an interim trail use/rail banking agreement with Consolidated Rail Corporation (Conrail) for its 9-mile line from milepost 26.7± near Burgettstown, PA, to milepost 35.7± near Colliers, WV. At the request of NPTC, and with Conrail's consent, the negotiation period was subsequently extended by decisions served August 3, 1994, February 10, 1995, July 21, 1995, December 28, 1995, August 20, 1996, January 8, 1997, July 10, 1997, and January 9, 1998. The negotiation period under the latest extension is scheduled to expire on July 9, 1998.

On January 20, 1998, the National Association of Reversionary Property Owners (NARPO) filed a petition for administrative review of the January 9 decision, which granted the latest extension. Replies were due on February 9, 1998, and on that date Conrail filed a petition for an extension of time to file a reply to NARPO's petition. In support of its request for an extension of time, Conrail states that NARPO's petition for administrative review was not served on counsel for Conrail. It points out that although the Certificate of Service attached to NARPO's petition indicates that it was served on Conrail's property manager in Pittsburgh, PA, it was not received. According to Conrail, it first became aware of NARPO's petition when its property manager received an inquiry about the petition from one of the other parties that was served with a copy. Subsequently, the other party faxed a copy of NARPO's petition to counsel for Conrail on February 5, 1998. Conrail states that, because it did not receive a copy of the petition until February 5, 1998, it needs additional time to prepare its reply and it requests that the time for filing a reply be extended for 10 days from February 9, 1998.

The request for an extension of time is reasonable and will be granted.

It is ordered:

1. The petition for an extension of time is granted.
2. The due date for Conrail's reply to NARPO's petition for administrative review is extended from February 9 to February 19, 1998.

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3. This decision is effective on the service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary