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SERVICE DATE - AUGUST 14, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-167 (Sub-No. 1161X)

CONSOLIDATED RAIL CORPORATION--ABANDONMENT EXEMPTION--
IN VERMILION AND CHAMPAIGN COUNTIES, IL

Decided: August 12, 1998

On February 7, 1997, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for Champaign County Design and Conservation Foundation (CCDC Foundation) to negotiate an interim trail use/rail banking agreement with Consolidated Rail Corporation (Conrail) for approximately 24.50 miles of its line of railroad known as the Pekin Secondary Track from approximately milepost 4.00 to approximately milepost 28.50, in Vermilion and Champaign Counties, IL. At the request of the CCDC Foundation, the negotiation period under the NITU was extended by decisions served August 1, 1997, and February 3, 1998. The latest extension expired on August 3, 1998.¹

On August 3, 1998, CCDC Foundation filed a request for an additional 180-day extension of the negotiation period for an additional 180 days. CCDC Foundation states that it is prepared to sign a written agreement of sale, and has completed all of the studies required under the proposed agreement. It states that additional time is needed to resolve a crossing issue and prepare closing documents. By letter dated August 10, 1998, Conrail advised the Board that it supports the 180-day extension request.

Because Conrail consents to the request for extension of the negotiating period and confirms that it has not consummated the abandonment, an extension will be granted until January 30, 1999.² This extension of time will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The purpose of the Trails Act is to preserve rail corridors for possible reactivation of rail service by permitting and encouraging their

¹ Notice of the exemption was published in the Federal Register on June 28, 1996 (60 FR 33695).

² Where, as here, the carrier has not consummated the abandonment at the end of the previously imposed negotiation period and is willing to continue trail use negotiations, the Board retains jurisdiction to extend the NITU negotiation period. See Rail Abandonments Supplemental 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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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.

It is ordered:

1. The negotiating period under the NITU is extended to January 30, 1999.
2. The decision is effective on its service date.

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

Vernon A. Williams
Secretary