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SERVICE DATE – MARCH 30, 2010

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 314X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN
LATROBE, WESTMORELAND COUNTY, PA

Decided: March 29, 2010

Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 2.04-mile line of railroad between milepost XN-0.00 and milepost XN-2.04, in Latrobe, Westmoreland County, PA. Notice of the exemption was served and published in the Federal Register on September 4, 2009 (74 FR 45890-91).

By decision and notice of interim trail use or abandonment (NITU) served on October 6, 2009, the proceeding was reopened and a 180-day period was authorized for Latrobe-Unity Parks & Recreation Commission and the Latrobe Foundation (Proponent) to negotiate an interim trail use/rail banking agreement with NSR for the right-of-way involved in this proceeding. The trail use negotiating period under the NITU will expire on April 5, 2010.

On March 15, 2010, Proponent requested an extension of the negotiation period for 180 days (until October 2, 2010). Proponent states that it has had the land appraised by a Pennsylvania Certified General Real Estate Appraiser who is very experienced in appraising railroad corridors and has had reviews by rail salvage companies to establish the value of the rail, ties, and other materials. Proponent further states that, due to substantial snow on the ground throughout much of late December, January, and February, it has recently obtained the needed information from both the appraiser and the salvage company to work toward a final agreement on the railroad corridor with NSR. By letter filed on March 16, 2010, NSR consents to Proponent's request to extend the NITU.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.¹ An 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). Accordingly, the NITU negotiating period will be extended until October 2, 2010.

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

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

It is ordered:

1. Proponent's request to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended until October 2, 2010.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.