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SERVICE DATE - JULY 29, 2003

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: July 24, 2003

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 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 and CSX Transportation, Inc. (CSXT), which is the successor to Conrail's interest in this proceeding, the negotiation period under the NITU was extended several times; the latest extension is due to expire on July 31, 2003.¹

On June 25, 2003, CSXT filed a request for an extension of the negotiating period until January 30, 2004. CSXT states that the parties are unable to finalize the trail negotiations by July 31, 2003.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. 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).² Accordingly, the negotiating period will be extended to January 30, 2004.³

¹ The most recent extension of the negotiation period under the NITU was authorized by decision served January 24, 2003.

² See Rail Abandonment—Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).

³ Although the request slightly exceeds the customary request of 180 days, the Board has granted such requests in the past. See, e.g., Southern Pacific Transportation Company— Abandonment Exemption—In Jackson, Victoria and Wharton Counties, TX, STB Docket No. AB-12 (Sub-No. 162X) (STB served May 29, 1996).

This decision 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 is granted.
2. The negotiating period under the NITU is extended to January 30, 2004.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary