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SERVICE DATE – APRIL 22, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-854X

ALLEGHENY AND EASTERN RAILROAD, INC.—ABANDONMENT EXEMPTION—IN
ELK AND CAMERON COUNTIES, PA

Decided: April 21, 2005

Allegheny & Eastern Railroad, Inc. (A&E), filed a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments to abandon an 18.9-mile line of railroad extending between milepost 131, near St. Marys, in Elk County, and milepost 149.9, southeast of Emporium, in Cameron County, PA. Notice of the exemption was served and published in the Federal Register on September 30, 2003 (68 FR 56377-78). By decision and notice of interim trail use or abandonment (NITU) served October 30, 2003, the proceeding was reopened and the County of Cameron (Cameron County), in cooperation with the County of Elk (Elk County), was granted a 180-day period to negotiate an interim trail use/rail banking agreement with A&E for the described line, under the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The negotiating period under the NITU was extended by decisions served on April 12, 2004, July 22, 2004, and October 25, 2004. The latest extension is scheduled to expire on April 23, 2005.

On April 11, 2005, Elk County filed a request to extend the NITU negotiating period for an additional 180 days. Elk County requests the additional time to continue negotiations. On April 18, 2005, Cameron County filed a request to extend the NITU negotiating period for an additional 90 days. In a response received on April 15, 2005, A&E concurs in the request to extend the negotiating period for an additional 180 days.¹

Where, as here, the carrier is willing to continue trail use negotiations, the NITU negotiating period may be extended. An extension of the negotiating period will promote the establishment of trail use and rail banking consistent with the Trails Act.² Accordingly, the NITU negotiating period will be extended for an additional 180 days from April 23, 2005 (until October 20, 2005), for Elk County to negotiate an agreement, and an additional 90 days from April 23, 2005 (until July 22, 2005), for Cameron County to negotiate an agreement.

¹ A&E states that its response would also apply to any request filed by Cameron County.

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

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

It is ordered:

1. The requests to extend the NITU negotiating period are granted.
2. The negotiating period under the NITU is extended for 180 days until October 20, 2005, for Elk County to continue negotiations, and for 90 days until July 22, 2005, for Cameron County to continue negotiations.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary