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SERVICE DATE - DECEMBER 21, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-167 (Sub-No. 1182X)

CONSOLIDATED RAIL CORPORATION--ABANDONMENT  
EXEMPTION--IN INDIANA COUNTY, PA

Decided: December 20, 2001

On July 31, 1998, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for the Cambria and Indiana Trail Council (CITC) to negotiate an interim trail use/rail banking agreement with Consolidated Rail Corporation (Conrail) for an 11.80-mile portion of the Blairsville Secondary Track between milepost 5.70± and milepost 17.50± in Indiana County, PA.<sup>1</sup> The negotiation period under the NITU was extended several times at the request of CITC, and is currently scheduled to expire on December 26, 2001.<sup>2</sup>

By facsimile filed on December 18, 2001, CITC requests an additional extension of the negotiating period until June 26, 2002.<sup>3</sup> CITC states that, due to the acquisition of certain Conrail assets by Norfolk Southern Railway Company (NS) and subsequent transactions that are still occurring, negotiations between the parties (CITC and Conrail/NS) will require more time. NS states that it has not consummated the abandonment and that it supports the extension request.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. Under the circumstances, an extension of the negotiation period is warranted and will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the negotiating period will be extended to June 26, 2002.

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<sup>1</sup> Notice of the exemption was published in the Federal Register on March 12, 1998 (63 FR 12148-49).

<sup>2</sup> The negotiating period under the NITU was extended by decisions served February 2, 1999, July 23, 1999, February 9, 2000, February 9, 2001, and June 22, 2001.

<sup>3</sup> 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, 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. The negotiating period under the NITU is extended to June 26, 2002.
2. The decision is effective on its service date.

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

Vernon A. Williams  
Secretary