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SERVICE DATE – DECEMBER 26, 2002

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: December 23, 2002

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 for an 11.80-mile portion of the Blairsville Secondary Track between milepost 5.70± and milepost 17.50± in Indiana County, PA.¹ The negotiation period under the NITU was extended several times at the request of CITC, and is currently scheduled to expire on December 26, 2002.²

On December 12, 2002, CITC filed a request for a 90-day extension of the negotiating period until March 26, 2003. CITC states that it and Norfolk Southern Railway Company (NS) have come to an agreement for transfer of the property, and that closing is anticipated to occur in January 2003. In a response submitted by facsimile on December 19, 2002, NS advised 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 March 26, 2003.

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

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

² The most recent extension of the negotiation period under the NITU was authorized by decision served on June 25, 2002.

It is ordered:

1. The negotiating period under the NITU is extended to March 26, 2003.
2. The decision is effective on its service date.

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

Vernon A. Williams
Secretary