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SERVICE DATE - JULY 10, 1998

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB-167 (Sub-No. 1148)

CONSOLIDATED RAIL CORPORATION--ABANDONMENT--BETWEEN  
WALKERS MILL AND BURGETTSTOWN, IN ALLEGHENY AND WASHINGTON  
COUNTIES, PA

Decided: July 6, 1998

By decision and certificate of interim trail use or abandonment (CITU) served July 14, 1995, a 180-day period was authorized for National Pike Trail Council (NPTC) and Allegheny County, PA, to negotiate an interim trail use/rail banking agreement with Consolidated Rail Corporation (Conrail) for the 15.7-mile right-of-way between milepost 11.00 at Walkers Mill and milepost 26.7 at Burgettstown, in Allegheny and Washington Counties, PA. At NPTC's request, the 180-day trail use negotiating period was extended through July 4, 1998, by decisions served December 22, 1995, August 22, 1996, January 14, 1997, July 14, 1997, and January 14, 1998.

By letter filed July 2, 1998, NPTC requests another 180-day extension of the trail use negotiating period stating that the additional time is needed to complete negotiations. According to NPTC, the trail project involves several entities and negotiations have been slow due to the uncertainty of the railroads involved as a result of the pending acquisition of Conrail. Conrail supports the extension request.

Where, as here, the carrier has not abandoned the line at the end of the previously imposed negotiating period and is willing to continue trail use negotiations, the Board's jurisdiction is not terminated and the negotiating period may be extended.<sup>1</sup> Under the circumstances, a further extension is warranted and will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the CITU negotiating period will be extended for an additional 180 days from July 4, 1998.

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

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

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It is ordered:

1. The CITU negotiating period is extended through December 31, 1998.
2. This decision is effective on the date of service.

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

Vernon A. Williams  
Secretary