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SERVICE DATE - JANUARY 9, 1998

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB-167 (Sub-No. 1132X)

CONSOLIDATED RAIL CORPORATION--ABANDONMENT EXEMPTION--
BETWEEN BURGETTSTOWN, WASHINGTON COUNTY, PA,
AND COLLIERS, BROOKE COUNTY, WV

Decided: January 7, 1998

On March 7, 1994, a decision and notice of interim trail use or abandonment (NITU) was served, which established a 180-day period for National Pike Trail Council (NPTC) to negotiate an interim trail use/rail banking agreement with Consolidated Rail Corporation (Conrail) for its 9-mile line from milepost 26.7± near Burgettstown, PA, to milepost 35.7± near Colliers, WV. At the request of NPTC, and with Conrail's consent, the negotiation period was subsequently extended by decisions served August 3, 1994, February 10, 1995, July 21, 1995, December 28, 1995, August 20, 1996, January 8, 1997, and July 10, 1997. The negotiation period under the latest extension is scheduled to expire on January 10, 1998.

On December 31, 1997, NPTC, with Conrail's agreement, filed a request to extend the negotiation period for an additional 180 days. NPTC states that the parties need the additional time to continue negotiations, to build political support, to coordinate participation of the West Virginia Rail Authority and others, and to further assemble and review title information and evaluate structures on the corridor.

A further extension of the NITU negotiating period is warranted. The requested extension will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The purpose of the Trails Act is to preserve rail corridors for possible reactivation of rail service by permitting and encouraging their interim use as recreational trails. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990).

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

It is ordered:

1. NPTC's request to extend the negotiation period under the NITU for an additional 180 days is granted.
2. The negotiation period under the NITU is extended to July 9, 1998.

Docket No. AB-167 (Sub-No. 1132X)

3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary

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