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SERVICE DATE - MARCH 27, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-167 (Sub-No. 1176X)

CONSOLIDATED RAIL CORPORATION<sup>1</sup>--ABANDONMENT EXEMPTION—  
IN WICOMICO COUNTY, MD

Decided: March 22, 2000

By decision and notice of interim trail use or abandonment (NITU) served on April 15, 1997, the Board modified the prior decision issued in this proceeding (granting an exemption that would permit abandonment of the line in question) to the extent necessary to implement interim trail use/rail banking. The Board authorized a 180-day period for the Maryland Mass Transit Administration (MTA) to negotiate a trail use agreement with Conrail regarding: (1) the portion of its Mardella Industrial Track extending from milepost 40.80± to the junction with Conrail's Delmarva Secondary at milepost 42.00±, near Salisbury, MD; and (2) Conrail's Mill Street Industrial Track, extending from the connection with the Mardella Industrial Track at milepost 0.00± to milepost 0.60±, near Salisbury. These tracks, which are contiguous but split into two branches, total approximately 1.8 miles in length. By decisions served August 28, 1997, August 7, 1998, and March 29, 1999, the negotiating period was subsequently extended until September 16, 1998, March 17, 1999, and September 30, 1999, respectively.

On September 29, 1999, NSR filed a letter-fax requesting an extension of the negotiating period for an additional 180 days for that portion of the Mardella Industrial Track between milepost

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<sup>1</sup> By decision served July 23, 1998, the Board approved, subject to certain conditions, the acquisition of control of Consolidated Rail Corporation (Conrail), and the division of Conrail's assets, by CSX Corporation and CSX Transportation, Inc. (here referred to collectively as CSX), and Norfolk Southern Corporation and Norfolk Southern Railway Company (NSR) and their wholly owned subsidiaries, and also Consolidated Rail Corporation's wholly owned Pennsylvania Lines LLC subsidiary (here referred to collectively as NS). See CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company — Control and Operating Leases/Agreements — Conrail Inc. and Consolidated Rail Corporation, STB Finance Docket No. 33388, Decision No. 89 (STB served July 23, 1998). CSX and NS effected control of Conrail on August 22, 1998, and they effected the division of Conrail's assets on June 1, 1999.

41.45 and milepost 40.8, a distance of approximately 0.65-mile.<sup>2</sup> That request was granted in a decision served October 13, 1999, extending the negotiating period to March 28, 2000.

On March 20, 2000, MTA filed a letter requesting an extension of the negotiating period for an additional 180 days for that portion of the Mardella Industrial Track between milepost 41.45 and milepost 40.8. According to MTA, it and NSR<sup>3</sup> have been working closely together to advance the issue, but the parties need more time to conclude their negotiations. MTA adds that NSR has agreed to the extension request.

An extension of the trail use negotiating period may be granted where, as here, the carrier has indicated a willingness to continue to negotiate. 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). Accordingly, the extension request will be granted.

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

It is ordered:

1. The request to extend the interim trail use negotiating period for the 0.65-mile segment of the Mardella Industrial Track between mileposts 41.45 and 40.8 is granted and the NITU negotiating period with respect to that segment is extended to September 24, 2000.
2. 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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<sup>2</sup> As to the remaining approximately 1.15 miles of track, the parties agreed to discontinue trail use negotiations and NSR gave notice of consummation of the abandonment of that track.

<sup>3</sup> As a result of NS' acquisition of control of Conrail, NSR has inserted itself as the railroad party authorized to negotiate with MTA under the NITU. See footnote 2, in Consolidated Rail Corporation--Abandonment Exemption--In Wicomico County, MD, STB Docket No. AB-167 (Sub-No. 1176X) (STB served Oct. 13, 1999).