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SERVICE DATE - DECEMBER 28, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-167 (Sub-No. 1161X)

CONSOLIDATED RAIL CORPORATION--ABANDONMENT EXEMPTION--  
IN VERMILION AND CHAMPAIGN COUNTIES, IL

Decided: December 21, 2001

On February 7, 1997, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for Champaign County Design and Conservation Foundation (CCDC Foundation) to negotiate an interim trail use/rail banking agreement with Consolidated Rail Corporation (Conrail)<sup>1</sup> for approximately 24.50 miles of railroad known as the Pekin Secondary Track from approximately milepost 4.00 to approximately milepost 28.50, in Vermilion and Champaign Counties, IL. At the request of the CCDC Foundation and CSX, the negotiation period under the NITU was extended several times; the latest extension expires on January 14, 2002.<sup>2</sup>

On December 19, 2001, CSX filed a request for an extension of the negotiating period until July 14, 2002. CSX states that it and CCDC Foundation are continuing to negotiate an interim trail use agreement, but negotiations will not be completed by January 14, 2002.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. An extension of the negotiating period will promote the establishment

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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 Conrail, and the division of the assets thereof, by CSX Corporation and CSX Transportation, Inc. (referred to collectively as CSX) and Norfolk Southern Corporation and Norfolk Southern Railway Company (referred to collectively as NS). See CSX Corp. et al.—Control—Conrail Inc. et al., 3 S.T.B. 196 (1998). Acquisition of control of Conrail was effected by CSX and NS on August 22, 1998. The division of the assets of Conrail was effected by CSX and NS on June 1, 1999. 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. 127 (STB served May 20, 1999).

<sup>2</sup> The negotiation period under the NITU was extended by decisions served February 7, 1997, August 1, 1997, February 3, 1998, August 14, 1998, January 29, 1999, August 3, 1999, January 24, 2000, August 4, 2000, January 30, 2001, and July 17, 2001.

of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d).<sup>3</sup> Accordingly, the negotiating period will be extended to July 14, 2002.

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 July 14, 2002.
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>3</sup> See Rail Abandonment--Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).