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SERVICE DATE - NOVEMBER 24, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 567X)

CSX TRANSPORTATION, INC.—ABANDONMENT  
EXEMPTION—IN ALLEGHENY COUNTY, PA

Decided: November 19, 1999

On February 12, 1999, a decision and notice of interim trail use or abandonment was served authorizing a 180-day period for the City of Pittsburgh (the City) to negotiate an interim trail use/rail banking agreement with CSX Transportation, Inc. (CSXT), for a .85-mile line extending from milepost 0.00 to milepost 0.85 in Pittsburgh, Allegheny County, PA. The 180-day negotiating period was scheduled to expire on August 11, 1999, but was extended through November 9, 1999, by decision served on August 11, 1999.

Subsequently, the City filed a request for an extension of the negotiating period for an additional 90 days. The City states that negotiations are ongoing, but that more time is needed to reach a final agreement. CSXT replied, stating that it agrees to an extension of the negotiating period, but only for 60 days.

Where as here, the carrier willing to continue trail use negotiations, the negotiating period may be extended.<sup>1</sup> Under the circumstances, a 60-day extension is warranted<sup>2</sup> 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 for an additional 60 days from November 9, 1999.

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 is extended to January 8, 2000.
2. This decision is effective on its service date.

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

<sup>2</sup> A longer negotiating period is not acceptable to the carrier and, therefore, will not be imposed because trail use is voluntary with the carrier. See Rail Abandonments—Use of Rights-of-Way as Trails, 2 I.C.C.2d 591 (1986).

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

Vernon A. Williams  
Secretary