

29496  
DO

SERVICE DATE - AUGUST 7, 1998

SURFACE TRANSPORTATION BOARD

DECISION

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

CONSOLIDATED RAIL CORPORATION--ABANDONMENT EXEMPTION--  
IN WICOMICO COUNTY, MD

Decided: July 31, 1998

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 Consolidated Rail Corporation (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. By decision served August 28, 1997, the negotiating period was subsequently extended for one year, until September 16, 1998.

On July 13, 1998, MTA filed a second extension request to extend the negotiating period for another 180 days to March 17, 1999. MTA states that the factors underlying the Board's decision to grant the first extension remain, in that service on the line has continued, acquisition of the line by the proposed owner of the right-of-way, Norfolk Southern Railway Company (NS), has not been completed, and NS has yet to determine whether service will be continued. MTA adds that, on the basis of information it has received, it expects these decisions to be made within the next six months. By letter filed July 20, 1998, Conrail supports the request and certifies that it has not consummated abandonment of the line.

An extension of the trail use negotiating period can be granted as long as the Board retains jurisdiction over the involved railroad right-of-way<sup>1</sup> and the carrier is willing to continue negotiations. Inasmuch as Conrail has not consummated the abandonment and has indicated a willingness to continue to negotiate, the extension request can be granted.

---

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

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

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 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 is granted.
2. The NITU negotiating period is extended to March 17, 1999.
3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary