

SERVICE DATE - JULY 24, 1997

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-167 (Sub-No. 1168X)

CONSOLIDATED RAIL CORPORATION--ABANDONMENT EXEMPTION--
IN BROOKS AND HANCOCK COUNTIES, WV

Decided: July 22, 1997

By decision and notice of interim trail use or abandonment (NITU) served January 24, 1997, a 180-day period was authorized for West Virginia Rail Authority, City of Weirton and Harmon Creek Trail Association (collectively commenters) to negotiate an interim trail use/rail banking agreement with Consolidated Rail Corporation (Conrail) for a 4.00-mile portion of the Weirton Secondary Track between milepost 35.70 and milepost 39.70 in Brooke and Hancock Counties, WV.¹ The January 24 decision also imposed a condition requiring Conrail to confine its salvage activities to the existing right-of-way and not disturb any previously undisturbed prime farmland. The negotiation period is scheduled to expire on July 25, 1997.

On July 11, 1997, commenters filed a request for a 180-day extension of the negotiation period. Commenters state that the additional time is needed to continue negotiations, including completion of the property appraisal, to coordinate participation of West Virginia Rail Authority and others, and to further assemble and review title information and evaluate structures on the corridor. By facsimile dated July 21, 1997, Conrail consents to the extension.

The requested extension of the negotiation period under the NITU will be granted. It will promote the establishment of trails 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 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 January 21, 1998.
2. This decision is effective on its service date.

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

Vernon A. Williams
Secretary

¹ Notice of the exemption was published in the *Federal Register* on December 27, 1996 (61 FR 68334-35).