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SERVICE DATE - NOVEMBER 28, 2000

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE/ABANDONMENT

STB Docket No. AB-183 (Sub-No. 3X)

UNION RAILROAD COMPANY--ABANDONMENT
EXEMPTION--IN ALLEGHENY COUNTY, PA

Decided: November 27, 2000

Union Railroad Company (URR) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments and Discontinuances to abandon and discontinue service over its line of railroad known as the Rankin Branch extending from point of switch Survey Station 158+50 of Turnout MU-18, and extending from that point over and across the Rankin Hot Metal Bridge to a rail connection with the Railroad's so-called Wildcat Track at Survey Station 48+35 in the Borough of Rankin, Allegheny County, PA, a distance of 0.89 miles. Notice of the exemption was served and published in the Federal Register on October 30, 2000 (65 FR 64742-43). The exemption is scheduled to become effective on November 29, 2000.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on November 3, 2000. In the EA, SEA states that the National Geodetic Survey (NGS) has identified two geodetic station markers that may be affected by the proposed abandonment. Therefore, SEA recommends that a condition be imposed requiring URR to consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic station markers.

SEA also states that the Pennsylvania Historic Society (SHPO) indicated that the project should have no adverse effect upon the historic resources, but this finding is conditional upon the replacement of a preservation covenant on the rail line and the Rankin Hot Metal Bridge on the deed prior to its transfer to the Steel Industry Heritage. The SHPO states that the Rankin Hot Metal Bridge is eligible for listing in the National Register of Historic Places and requests that URR provide the SHPO with a copy of the draft covenant for the SHPO's review prior to the transfer. Therefore, SEA recommends that URR retain its interest in and take no steps to alter the historic integrity of the Rankin Hot Metal Bridge until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

On November 1, 2000, the Steel Industry Heritage Corporation (SIHC) filed a request for the issuance of a notice of interim trail use (NITU) for the entire line under the National Trails System Act, 16 U.S.C. 1247(d), in order to negotiate with URR for acquisition of the right-of-way for use as a recreational trail. SIHC submitted a statement of willingness to assume financial responsibility for the management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad

against any potential liability), and for payment of any and all taxes that may be levied or assessed against, the right-of-way, as required at 49 CFR 1152.29, and acknowledged that the use of the right-of-way for trail purposes is subject to future reactivation for rail service. By reply filed November 9, 2000, URR indicated its willingness to negotiate with SIHC for interim trail use.

Because SIHC's request complies with the requirements of 49 CFR 1152.29 and URR is willing to negotiate for trail use, a NITU will be issued. The parties may negotiate an agreement during the 180-day period prescribed below. If the parties reach a mutually acceptable final agreement, no further Board action is necessary. If no agreement is reached within 180 days, URR may fully abandon the line. See 49 CFR 1152.29(d)(1). Use of the right-of-way for trail purposes is subject to restoration for railroad purposes.

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the notice of exemption served and published in the Federal Register on October 30, 2000, exempting the abandonment of the line described above is modified to the extent necessary to implement interim trail use/rail banking as set forth below, for a period of 180 days from the November 29, 2000 effective date of the exemption (until May 28, 2001), and subject to the conditions that URR shall: (a) retain its interest in and take no steps to alter the historic integrity of the Rankin Hot Metal Bridge until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, and notify SEA when the process is completed; and (2) consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers.
3. If an interim trail use/rail banking agreement is reached, it must require the trail user to assume for the term of the agreement, full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against, the right-of-way.
4. Interim trail use/rail banking is subject to the future restoration of rail service and to the user's continuing to meet the financial obligations for the right-of-way.
5. If interim trail use is implemented, and subsequently the user intends to terminate trail use, it must send the Board a copy of this decision and notice and request that it be vacated on a specified date.

6. If an agreement for interim trail use/rail banking is reached by May 28, 2001, interim trail use may be implemented. If no agreement is reached by that time, URR may fully abandon the line.

7. This decision is effective on its service date.

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

Vernon A. Williams
Secretary