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SERVICE DATE - AUGUST 26, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 606X)

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

Decided: August 20, 2003

By decision and notice of interim trail use or abandonment (NITU) served on June 14, 2002 (June 2002 decision), the Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903, the abandonment by CSX Transportation, Inc. (CSXT) of a 2.1 mile line of railroad in its Northeast Region, Baltimore Division, P&W Subdivision, extending between milepost BFH 0.0 and milepost BFH 2.1, in Pittsburgh, Allegheny County, PA, subject to trail use, historic preservation and standard employee protective conditions. The June 2002 decision authorized the City of Pittsburgh, PA (Pittsburgh) to negotiate with CSXT for interim trail use/rail banking for the 1.6-mile portion of the right-of-way (ROW) between milepost BFH 0.5 and milepost BFH 2.1. Subsequently, by decision served July 12, 2002, the NITU was modified to provide a similar period for the Borough of Millvale (Millvale) to negotiate an interim trail use/rail banking agreement over the remaining 0.5-mile portion of the rail line between milepost BFH 0.0 and milepost BFH 0.5. The NITU negotiating periods were due to expire on December 11, 2002, for Pittsburgh, and on January 8, 2003, for Millvale, but both negotiating periods were extended through July 8, 2003, by decision served December 9, 2002. The June 2002 decision also stated that, if consummation has not been effected by the filing of a notice of consummation by June 14, 2003, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

On August 13, 2003, CSXT filed a request to extend until January 8, 2004, the time to consummate the abandonment and to file its notice of consummation. The request to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding 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. CSXT's request for an extension of time to exercise the abandonment authority is granted.
2. The authority to abandon must be exercised on or before January 8, 2004.
3. This decision is effective on the date of service.

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

Vernon A. Williams
Secretary