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SERVICE DATE – NOVEMBER 5, 2010

SURFACE TRANSPORTATION BOARD

DECISION AND MODIFICATION OF  
NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

Docket No. AB 1017X

WEST SHORE RAILROAD CORPORATION—ABANDONMENT EXEMPTION—IN UNION  
AND NORTHUMBERLAND COUNTIES, PA.

Decided: November 4, 2010

West Shore Railroad Corporation (West Shore) filed a notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon a line of railroad known as the Mifflinburg Branch, extending from milepost 0.0 at Montandon, in Northumberland County, Pa., in a generally westerly direction, crossing the West Branch of the Susquehanna River through Lewisburg to the Borough of Mifflinburg, and ending at milepost 11.8 in Union County, Pa.<sup>1</sup> On June 26, 2008, the Board at the request of Lewisburg Area Recreation Authority (LARA) reopened the proceeding and issued a notice of interim trail use or abandonment (NITU) under the National Trails System Act, 16 U.S.C. § 1247(d). LARA subsequently acquired all of West Shore's right, title, and interest in the Mifflinburg Branch by quit claim deed dated September 8, 2008.

By petition filed on September 9, 2010, LARA requests that the Board vacate, in part, the portion of the NITU extending from milepost 0.0 to State Route 405 on the east bank of the Susquehanna River.<sup>2</sup> LARA states that this portion of the Mifflinburg Branch passes through a wetland/catch basin where the former rail bed has been subject to subsidence and that the trail would need extensive wooden bridging to cross this area, which would require continual maintenance. LARA further states that the right-of-way available at locations adjacent to public highways is not sufficient to create safe and adequate trailheads along this portion of the Mifflinburg Branch and that public accessibility is very limited and presents safety issues.

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<sup>1</sup> Notice of the exemption was served and published at 73 Fed. Reg. 21,406-07 on April 21, 2008. It embraced Docket No. AB 1018X, Union County Industrial Railroad—Discontinuance of Service Exemption—in Union County, Pa., in which Union County Industrial Railroad Company sought an exemption to discontinue service in Union County, Pa., between Lewisburg and Mifflinburg.

<sup>2</sup> LARA notes that vacating the NITU for this section of the right-of-way will not sever the rest of the Mifflinburg Branch from the national rail system because the rest of the Branch intersects with the Union County Industrial Railroad in Lewisburg, Pa., on the west bank of the Susquehanna River.

Therefore, LARA wishes to release this portion of the Mifflinburg Branch from the NITU issued in this proceeding. LARA will remain as the trail user for the remainder of the right-of-way.

LARA has complied with the requirements of 49 C.F.R. § 1152.29(d)(2) regarding its request to vacate the NITU for a portion of the right-of-way. Thus, West Shore may consummate the authority it has received to abandon the line from milepost 0.0 to State Route 405 on the east bank of the Susquehanna River and must do so within 60 days of the issuance of this decision, or else the authority will lapse. Pursuant to 49 C.F.R. § 1152.29(d)(2), copies of this decision will be served on West Shore and LARA.

This action 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. The NITU served in this proceeding on June 26, 2008, is vacated with respect to that portion of the line from milepost 0.0 to State Route 405 on the east bank of the Susquehanna River. West Shore may fully abandon this portion of the line. LARA will remain the trail user for the remainder of the right-of-way.
3. This decision is effective on the date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.