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SERVICE DATE - JANUARY 29, 1997

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-88 (Sub-No. 8X)

BESSEMER AND LAKE ERIE RAILROAD COMPANY--ABANDONMENT  
EXEMPTION--ARMSTRONG AND BUTLER COUNTIES, PA

Decided: January 24, 1997

Bessemer and Lake Erie Railroad Company (B&LE) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon 3.13 miles of its line of railroad known as the Western Allegheny Branch, extending from Station 2294+53 eastward to the end of the track at Station 2460+01, in Armstrong and Butler Counties, PA. Notice of the exemption was served and published in the Federal Register on December 19, 1996 (61 FR 67106-07). Bradys Bend Corporation (Bradys Bend) timely filed a formal expression of intent to file an offer of financial assistance (OFA) under 49 CFR 1152.27(c)(2), automatically staying the exemption's effective date until January 28, 1997. By decision served January 13, 1997, the OFA due date was tolled to February 7, 1997, and the effective date of the exemption was postponed until February 17, 1997.

On January 21, 1997, Bradys Bend petitioned to further toll the OFA due date to February 20, 1997. According to Bradys Bend, B&LE states that the requested valuation materials will not be available until January 31, 1997.

The Board will entertain petitions to toll the OFA filing date when a potential offeror does not promptly receive all necessary information. Accordingly, the extension request will be granted and the time for filing an OFA will be extended to February 20, 1997. The exemption effective will be further postponed to March 2, 1997--10 days after the due date for filing an OFA.

This decision will not significantly affect either the quality of the human environment or conservation of energy resources.

It is ordered:

1. The time period for Bradys Bend to file an OFA is tolled and the new due date for an OFA is February 20, 1997.
2. The effective date of the exemption is postponed until March 2, 1997.
3. This decision is effective on the service date.

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

Vernon A. Williams  
Secretary