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SERVICE DATE - SEPTEMBER 3, 2004

DO

FR-4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-862X]

Twin State Railroad Company—Abandonment Exemption—in Caledonia and Essex
Counties, VT

The Twin State Railroad Company (TSRR) has filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon approximately 20 route miles of rail line between milepost 0.057 in St. Johnsbury and Railroad Engineering Station 5503 at River Road (Town Road) in Lunenburg (Gilman), in Caledonia and Essex Counties, VT.¹ The line traverses United States Postal Service Zip Codes 05819, 05824, and 05906.

TSRR has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such

¹ The subject line is a portion of TSRR's line that extends between St. Johnsbury, VT, and Whitefield, NH (TSRR line). TSRR notes that related to this matter is a line of railroad that is owned by the State of Vermont and was operated by Lamoille Valley Railroad Company (LVRC) that extends between Swanton, VT, and St. Johnsbury, VT (LVRC line). The TSRR line and the LVRC line connected at St. Johnsbury and comprised a continuous corridor from Swanton to Whitefield. The LVRC line was recently authorized for abandonment. See Lamoille Valley Railroad Company—Abandonment and Discontinuance of Trackage Rights Exemption—in Caledonia, Washington, Orleans, Lamoille, and Franklin Counties, VT, STB Docket No. AB-444 (Sub-No. 1X) (STB served Jan. 16, 2004).

user) regarding cessation of service over the line either is pending with the Surface Transportation Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line R. Co.–Abandonment–Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on October 6, 2004, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),³ and trail use/rail banking requests under 49 CFR 1152.29 must be filed by September 13, 2004. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by

² The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-of-Service Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

³ Each OFA must be accompanied by the filing fee, which currently is set at \$1,100. See 49 CFR 1002.2(f)(25).

September 23, 2004, with: Surface Transportation Board, 1925 K Street, N.W.,
Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to TSRR's
representative: David H. Anderson, Esq., 288 Littleton Road, Suite 21, Westford, MA
01886.

If the verified notice contains false or misleading information, the exemption is
void ab initio.

TSRR has filed an environmental report which addresses the effects, if any, of the
abandonment on the environment and historic resources. SEA will issue an
environmental assessment (EA) by September 10, 2004. Interested persons may obtain a
copy of the EA by writing to SEA (Room 500, Surface Transportation Board,
Washington, DC 20423-0001) or by calling SEA, at (202) 565-1539. [Assistance for the
hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-
800-877-8339.] Comments on environmental and historic preservation matters must be
filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking
conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), TSRR shall file a notice of
consummation with the Board to signify that it has exercised the authority granted and
fully abandoned the line. If consummation has not been effected by TSRR's filing of a

notice of consummation by September 3, 2005, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at
“WWW.STB.DOT.GOV.”

Decided: August 27, 2004.

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

Vernon A. Williams

Secretary