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SERVICE DATE - AUGUST 19, 1997

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-513 (Sub-No. 1X)]

Warren & Trumbull Railroad Company--Discontinuance of Service

Exemption--in Trumbull County, OH

[STB Docket No. AB-530 (Sub-No. 1X)]

Economic Development II Rail Corporation--Abandonment Exemption--in

Trumbull County, OH

Warren & Trumbull Railroad Company, Inc. (WTRC) and Economic Development II Rail Corporation (EDRC-II) have filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments and Discontinuances for WTRC to discontinue service over and EDRC-II to abandon, a 2.5-mile line of railroad from milepost 89.1 at the DeForest Junction Station to milepost 91.6 at the North Warren Station, in the city of Warren, Trumbull County, OH.¹ The line traverses United States Postal Zip codes 44481, 44482, 44483, 44484 and 44485.

¹ The involved line segment was approved for abandonment in CSX Transportation, Inc.--Abandonment--Between Deforest Junction and North Warren in Trumbull County, OH, ICC Docket No. AB-55 (Sub-No. 449) (ICC served Feb. 12, 1993).

EDRC-II entered into an agreement providing for WTRC to reactivate and operate the line. See The Warren & Trumbull Railroad Company--Operation Exemption--Rail Line in Trumbull County, OH, Finance Docket No. 32438 (ICC served Jan. 14, 1994).

EDRC-II acquired the involved line from Consolidated Rail Corporation in Economic Development Rail II Corporation--Acquisition Exemption--Lines of Consolidated Rail Corporation, STB Finance Docket No. 32768 (STB served Apr. 15, 1996).

WTRC and EDRC-II have certified that: (1) no local traffic has moved over the line for at least 2 years; (2) any overhead traffic has been rerouted over other, parallel tracks; (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 user) regarding cessation of service over the line either is pending with the Surface Transportation Board (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 September 18, 1997, 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

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 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 offer of financial assistance must be accompanied by the filing fee, which currently is set at \$900. See 49 CFR 1002.2(f)(25).

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and trail use/rail banking requests under 49 CFR 1152.29⁴ must be filed by August 29, 1997.

Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by September 8, 1997, with: Office of the Secretary, Case Control Unit, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant representatives: Kelvin J. Dowd, Esq., Slover & Loftus, 1224 Seventeenth Street, N.W., Washington, DC 20036.

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

WTRC and EDRC-II have filed an environmental report which addresses the effects of the abandonment and discontinuance, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by August 22, 1997. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565-1545. 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), EDRC-II 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 EDRC-II's filing of a notice of

⁴ The Board will accept late-filed trail use requests as long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

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consummation by August 19, 1998, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Decided: August 13, 1997.

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

Vernon A. Williams

Secretary