

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-976X

PITTSBURG & SHAWMUT RAILROAD, LLC—ABANDONMENT EXEMPTION—IN
ARMSTRONG AND JEFFERSON COUNTIES, PA

Decided: September 15, 2006

By decision and notice of interim trail use or abandonment (NITU) served on September 15, 2005, the Board, under U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903 the abandonment by Pittsburg & Shawmut Railroad, LLC (Pittsburg & Shawmut), a subsidiary of Buffalo & Pittsburgh Railroad, Inc., to abandon a line of railroad between milepost 22.0 south of Brookville in Jefferson County, PA, and milepost 62.0 in Mahoning in Armstrong County, PA, a distance of approximately 40.0 miles.¹ The grant was subject to trail use, public use, standard employee protective conditions, and an environmental condition requiring Pittsburg & Shawmut to consult with the Pennsylvania Department of Environmental Protection (DEP), Southwest Regional Office, and to report those results to the Board's Section of Environmental Analysis. The September 2005 decision stated that, if consummation had not been effected by Pittsburg & Shawmut's filing of a notice of consummation by September 15, 2006, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire.

Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings. On September 6, 2006, Pittsburg & Shawmut filed a request to extend the deadline for filing its notice of consummation for 60 days until November 14, 2006. Pittsburgh & Shawmut state that it is still in the process of consulting with DEP, Southwest Regional Office, and therefore is not ready to report on the consultation. Pittsburg & Shawmut adds that this may constitute a regulatory barrier to consummation that automatically extends the period for filing a notice of consummation but, in an abundance of caution, it requests an extension to allow for completion of the required consultation.

Pittsburg & Shawmut has shown good cause to extend the time to file a notice of consummation in this proceeding. Accordingly, the extension request will be granted.

¹ The subject line is currently operated by BPRR, which simultaneously filed a notice of exemption in STB Docket No. AB-369 (Sub-No. 5X) to discontinue its operations over the line. That exemption became effective on July 29, 2005.

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

It is ordered:

1. Pittsburg & Shawmut's request for an extension of time to file a notice of consummation of the abandonment is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before November 14, 2006.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary