

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1117X

ST. LAWRENCE & ATLANTIC RAILROAD COMPANY—DISCONTINUANCE OF
SERVICE EXEMPTION—IN CUMBERLAND COUNTY, ME.

Decided: December 4, 2014

By petition filed on November 8, 2013, St. Lawrence & Atlantic Railroad Company (SLR) sought an exemption under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10903 to discontinue service over approximately 24.23 miles of rail line owned by the State of Maine located between milepost 1.74 near Deering, Me., and milepost 25.97 at the town line between New Gloucester and Auburn, Me. (the Line). Notice of the petition was served and published in the Federal Register on November 27, 2013 (78 Fed. Reg. 71,037). By decision served February 25, 2014 (February 25 Decision), the Board granted the discontinuance, subject to conditions.

On November 5, 2014, B&G Foods North America, Inc. (B&G), the only active shipper on the Line, timely¹ filed an offer of financial assistance (OFA) to subsidize continued operations on the Line for one year. Finding B&G financially responsible and the OFA reasonable, the Board on November 10, 2014, postponed the effective date of the discontinuance exemption to allow the OFA process to continue.²

By letter dated November 12, 2014, B&G indicates that it has entered into a subsidy agreement with SLR and asks that the Board postpone the effective date of the discontinuance until the earlier of October 15, 2015, or the termination of the parties' subsidy agreement.

Pursuant to the Board's regulations, the postponement of the discontinuance exemption's effective date will continue as long as the subsidy agreement is in effect. 49 C.F.R. § 1152.27(f)(1); see also Consol. Rail Corp.—Aban.—Between Upper Sandusky & Dunkirk, in Hardin & Wyandot Cntys., Ohio, AB 167 (Sub-No. 1116) (ICC served Oct. 20, 1996). The Board's rules further require B&G to provide notice to SLR 60 days prior to discontinuing the

¹ See St. Lawrence & Atl. R.R.—Discontinuance of Serv. Exemption—in Cumberland Cnty., Me., AB 1117X, slip op. at 1 (STB served Oct. 28, 2014) (making OFAs due November 5, 2014).

² St. Lawrence & Atl. R.R.—Discontinuance of Serv. Exemption—in Cumberland Cnty., Me., AB 1117X, slip op. at 2 (STB served Nov. 10, 2014).

subsidy. 49 C.F.R. § 1152.27(j). SLR may then request that the Board vacate the decision postponing the effective date of the discontinuance exemption. Id. Thus, the effective date of the discontinuance exemption will remain postponed until SLR requests otherwise under 49 C.F.R. § 1152.27(j).

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

It is ordered:

1. The effective date of SLR's discontinuance exemption remains postponed pursuant to 49 C.F.R. § 1152.27(f)(1) until the subsidy agreement is discontinued under 49 C.F.R. § 1152.27(j).
2. This decision is effective on its date of service.

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