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SERVICE DATE - JANUARY 13, 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 9, 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). The exemption was scheduled to become effective on January 18, 1997, provided no formal expression of intent to file an offer of financial assistance (OFA) was filed by December 30, 1996.

On December 30, 1996, Bradys Bend Corporation (Bradys Bend) timely filed a notice of intent to file an OFA for the entire line. Bradys Bend's notice of intent automatically stayed the effective date of the exemption until January 28, 1997. Bradys Bend simultaneously requested that B&LE supply it with the financial data and information prescribed in 49 CFR 1152.27(a)(1),(2), and (3). An OFA to permit rail service to continue is due January 18, 1997.¹

On January 8, 1997, Bradys Bend petitioned the Board to toll for 20 additional days the time to file its offer, until February 7, 1997. Bradys Bend states that B&LE has advised that the valuation information requested will not be furnished in time to permit the filing of an offer before January 18, 1997.

Under 49 CFR 1152.27(c)(2)(ii)(C), the Board will entertain petitions to toll the 30-day period for filing OFAs when, as it appears here, an applicant has failed to provide a potential offeror promptly with the information necessary to the development of its OFA. Accordingly, the extension request will be granted and the time for filing an OFA will be extended to February 7, 1997. In addition, the effective date of the exemption will be further postponed until February 17, 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 An OFA is due no later than 30 days after the Federal Register publication of the notice of exemption. See 49 CFR 1152.27(c)(2)(ii)(B).

1. The time period for Bradys Bend to file an OFA is tolled and the new due date for an OFA is February 7, 1997.

2. The effective date of the exemption is postponed until February 17, 1997.

3. This decision is effective on the service date.

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

Vernon A. Williams
Secretary