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SERVICE DATE – OCTOBER 24, 2013

DO

FR-4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 825X]

Turtle Creek Industrial Railroad, Inc.—Discontinuance of Service Exemption—in
Westmoreland County, Pa.

Turtle Creek Industrial Railroad, Inc. (TCIR), has filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments and Discontinuances of Service to discontinue service over approximately 9.8 miles of rail line from milepost 0.9 near Trafford, Pa., to milepost 10.7 in Export, Pa. (the Line). The Line traverses United States Postal Service Zip Codes 15085, 15668, and 15632.

TCIR has certified that: (1) no local traffic has moved over the Line for at least two years; (2) no overhead traffic has moved over the Line for at least two years, and if there were any, it could be rerouted over other lines; (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 two-year period; and (4) the requirements at 49 C.F.R. § 1105.12 (newspaper publication) and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance shall be protected under Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 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) to subsidize continued rail service has been received, this exemption will become effective on November 23, 2013, unless stayed pending reconsideration.¹ Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA to subsidize continued rail service under 49 C.F.R. § 1152.27(c)(2),² must be filed by November 4, 2013.³ Petitions to reopen must be filed by November 13, 2013, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

¹ This notice was scheduled to be published in the Federal Register during the time that the agency was closed due to a lapse in appropriations. Because publication of this notice has been delayed, the effective date of the exemption will also be delayed to provide adequate notice to the public.

² Each OFA must be accompanied by the filing fee, which is currently set at \$1,600. See 49 C.F.R. § 1002.2(f)(25).

³ Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historic documentation is required here under 49 C.F.R. § 1105.6(c) and 49 C.F.R. § 1105.8(b), respectively.

A copy of any petition filed with the Board should be sent to TCIR's representative: Richard R. Wilson, 518 N. Center Street, Ste. 100, Ebensburg, PA 15931.

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

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

Decided: October 21, 2013.

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