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SERVICE DATE - AUGUST 20, 1997

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-167 (Sub-No. 1179X)]

Consolidated Rail Corporation—Discontinuance Exemption—In Suffolk County, MA

On July 31, 1997, Consolidated Rail Corporation (Conrail) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to discontinue, for a period of approximately 3 years, all rail transportation over a line of railroad known as the Boston Terminal Running Track (also sometimes known as "Track 61"), lying between the west side of Summer Street at approximately railroad milepost 0.85 and the end of the track at Boston Harbor Pier, a distance of approximately 0.50 mile, traversing U.S. Postal Service ZIP Code 02127, in the City of Boston, Suffolk County, MA.

The right-of-way and track on this line are owned and maintained by the Massachusetts Port Authority and operated by Conrail. The Massachusetts Highway Department has requested Conrail to seek authority to discontinue service over the line for a period of approximately 3 years, to facilitate construction of a portion of the Central Artery/Tunnel highway project, including the South Boston Interchange. After the projected completion of this project in July 2000, the line will have been restored to operating condition, and Conrail will be able to resume common carrier rail freight service on the line. Pending issuance of a decision in this matter, Conrail has placed an embargo on the line.

Conrail states that it does not believe that this line contains any federally granted rights-of-way. To the extent there may be any documentation in Conrail's possession in this regard, it will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in Oregon Short Line R. Company—Abandonment—Goshen, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by November 18, 1997.

Any offer of financial assistance (OFA) to subsidize continued rail service¹ under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each offer of financial assistance must be accompanied by the filing fee, which is currently set at \$900. See 49 CFR 1002.2(f)(25).

All filings in response to this notice must refer to STB Docket No. AB-167 (Sub-No. 1179X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001; and (2) John J. Paylor, 2001 Market Street-16A, Philadelphia, PA 19101-1416.

Persons seeking further information concerning abandonment or discontinuance procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to

^{1/} OFAs to acquire the line for continued rail service, public use and trail use requests, and environmental reporting requirements do not apply when only a discontinuance is sought. Under the circumstance described by Conrail, an OFA to subsidize continued service over the line would appear to be inconsistent with local construction plans, but Conrail has not sought an exemption from the applicable provisions of section 10904.

the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1545. [TDD for the hearing impaired is available at (202) 565-1695.]

Decided: August 13, 1997.

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

Vernon A. Williams

Secretary