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SERVICE DATE - NOVEMBER 8, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-581X

1411 CORPORATION—ABANDONMENT EXEMPTION—IN LANCASTER COUNTY, PA

STB Docket No. AB-529X

MIDDLETOWN & HUMMELSTOWN RAILROAD COMPANY—ABANDONMENT
EXEMPTION—IN LANCASTER COUNTY, PA

Decided: November 6, 2001

By decision served on April 12, 2001, the Board found that the public convenience and necessity permitted the 1411 Corporation and the Middletown & Hummelstown Railroad Company (collectively Applicants) to abandon service over a line of railroad extending from milepost 39.3, in the borough of Columbia, to milepost 37.2, in West Hempfield Township, a distance of approximately 2.5 miles in Lancaster County, PA (line).¹ Before the decision authorizing abandonment and discontinuance became effective, Frank Sahd Salvage Center, Inc. (Sahd), timely filed an offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27(c) to purchase the line.

By decision served on July 16, 2001, Sahd was found to be financially responsible and the effective date of the decision authorizing abandonment and discontinuance was postponed to permit the OFA process to proceed. Subsequently, as no agreement was reached, Sahd filed a request that the Board establish the conditions and amount of compensation for the sale of the line, to which Applicants replied. By decision served on October 18, 2001, the Board set the purchase price for the line at \$125,000, and established terms for transfer of the line.

By pleading filed on October 29, 2001, Sahd indicates that it accepts the Board's terms and conditions to purchase the line.

When a carrier and a person offering to purchase a line enter into an agreement for continued rail service, the Board is required to approve the transaction and dismiss the abandonment exemption. See 49 U.S.C. 10904 and 49 CFR 1152.27(f)(2). Accordingly, the sale will be approved and the abandonment exemptions will be dismissed.

¹ Due to the circumstances set out in the verified notices of exemption, both Applicants needed to seek authority to abandon the line.

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

It is ordered:

1. Under 49 U.S.C. 10904, Sahd is authorized to acquire the rail line described above.
2. Under 49 U.S.C. 10904 and 49 CFR 1152.27(f)(2), the abandonment exemptions are dismissed effective on the date the sale is consummated.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary