

28532

SERVICE DATE - NOVEMBER 18, 1997

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-535X]

West Central Ohio Port Authority--Abandonment Exemption--in Clark County, OH

[STB Docket No. AB-536X]

The Indiana and Ohio Central Railroad Company, Inc.--Discontinuance

of Service Exemption--in Clark County, OH

West Central Ohio Port Authority (Westco) and The Indiana and Ohio Central Railroad Company, Inc. (IOCR), have filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments and Discontinuances for Westco to abandon and IOCR to discontinue service over a 5.6-mile line of railroad between milepost 123.86 at or near Glen Echo and milepost 129.46 at the north edge of Warder Street in Springfield, Clark County, OH. The line traverses United States Postal Zip Code 45502.¹

Westco and IOCR have certified that: (1) no local traffic has moved over the line for at least 2 years; (2) overhead traffic has been 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)

¹ Westco acquired the involved line from Consolidated Rail Corporation in West Central Ohio Port Authority--Acquisition Exemption--Consolidated Rail Corporation, Finance Docket No. 32443 (ICC served Jan. 28, 1994).

IOCR's lease and operation of the involved line was approved in The Indiana & Ohio Central Railroad Company, Inc.--Lease and Operation--West Central Ohio Port Authority, Finance Docket No. 32602 (ICC served Mar. 15, 1995).

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 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line R. Co.--Abandonment--Goshen, 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) has been received, this exemption will be effective on December 18, 1997, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),³ and trail use/rail banking requests under 49 CFR 1152.29 must be filed by November 28, 1997. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by December 8, 1997, with: Office of the Secretary, Case Control Unit, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423.

² The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-of-Service Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

³ Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$900. See 49 CFR 1002.2(f)(25).

A copy of any petition filed with the Board should be sent to applicants' representative:

Thomas F. McFarland, Jr., McFarland & Herman, 20 North Wacker Drive, Suite 1330, Chicago, IL 60606-2902.

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

Westco and IOCR have filed an environmental report which addresses the effects of the abandonment and discontinuance, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by November 21, 1997. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565-1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), Westco shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully

abandoned the line. If consummation has not been effected by Westco's filing of a notice of consummation by November 18, 1998, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

STB Docket No. AB-535X, et al.

Decided: November 12, 1997.

By the Board, Beryl Gordon, Acting Director, Office of Proceedings.

Vernon A. Williams

Secretary

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