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SERVICE DATE - MARCH 9, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-491X

R.J. CORMAN RAILROAD COMPANY/PENNSYLVANIA  
LINES--ABANDONMENT EXEMPTION--IN CAMBRIA COUNTY, PA

Decided: March 3, 1998

By decision and notice of interim trail use or abandonment served December 12, 1997, the Board granted the Union Pacific Railroad Company (UP) an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a 9.6-mile line of railroad known as the Blacklick Secondary, extending from milepost 6.4 at Ebensburg Junction to the end of the track at milepost 16, east of Nanty Glo, in Cambria County, PA, subject to conditions.<sup>1</sup> The exemption was scheduled to become effective on January 11, 1998. Before the decision authorizing abandonment became effective, the Cambria and Indiana Railroad Company (C&I), a rail carrier, timely filed an offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27(c) to purchase a 4.05-mile segment of the line, from milepost 6.4 to a connection with C&I's track at milepost 10.45189.

By decision served December 24, 1997, C&I was found financially responsible, and the effective date of the exemption authorizing abandonment was postponed for the 4.05-mile segment located between milepost 6.4 and milepost 10.45189 to permit the OFA process to proceed.<sup>2</sup> Subsequently, on January 21, 1998, C&I filed a request that the Board establish the conditions and the amount of compensation for the sale of the line. Thereafter, in a decision served February 20, 1998, the Board set the purchase price for the line at \$341,774, and established terms for transfer of the line.

On February 26, 1998, C&I filed a notice of acceptance of the terms and conditions set by the Board and acknowledged that it will be bound by them.

When a person offering to purchase a line accepts the terms and conditions set by the Board, the offer is binding. See 49 U.S.C. 10904 and 49 CFR 1152.27(h)(7). Accordingly, the sale will be

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<sup>1</sup> The decision also imposed a public use condition under 49 U.S.C. 10905 and a trail use condition under 16 U.S.C. 1247(d) for the entire right-of-way involved in this proceeding.

<sup>2</sup> The exemption authorizing abandonment of the remainder of the Blacklick Secondary became effective on January 11, 1998.

approved and the petition for exemption will be dismissed as to the segment located between milepost 6.4 and milepost 10.45189.<sup>3</sup>

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, C&I is authorized to acquire the segment located between milepost 6.4 and milepost 10.45189.
2. Under 49 U.S.C. 10904 and 49 CFR 1152.27(h)(7), the petition for exemption is dismissed as to that segment located between milepost 6.4 and milepost 10.45189, 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

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<sup>3</sup> When C&I acquires the segment between milepost 6.4 and milepost 10.45189 for continued rail use, that segment would not be subject to public use or interim trail use. However, the public use condition and trail use condition remain viable for the remainder of the Blacklick Secondary.