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SERVICE DATE - JUNE 4, 1997

SEC

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-501 (Sub-No. 1X)]

Longhorn Railway Company et al.—Discontinuance Exemption—in Burnet County,
TX

On May 15, 1997, Longhorn Railway Company (Longhorn) filed with the Surface Transportation Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to discontinue service over approximately a .25- mile segment of the Burnet City track owned by the City of Austin, TX, extending between Polk Street and the end of the line at Washington Street in Burnet, TX, which traverses through U.S. Postal Zip Code 78611. Longhorn has indicated that the only station to be affected by the proposed discontinuance of service is Burnet, TX.

The line does not contain federally granted rights-of-way. Any documentation in Longhorn's possession 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). In a prior decision, Longhorn was specifically directed to address the exemption criteria of 49 U.S.C. 10502(b) if it filed a petition for discontinuance of service exemption. See *Longhorn Railway Company--Discontinuance Exemption--In Burnet, TX*, STB Finance Docket No. AB-501X (STB

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served Apr. 1, 1997) (*Longhorn*). Because the instant petition fails to include a discussion of the exemption criteria, Longhorn is directed to submit a supplemental filing addressing the exemption criteria within 10 days of the service of this decision. Failure to do so will result in termination of this exemption proceeding. Assuming we receive the supplemental information, a final decision will be issued by September 2, 1997.

Any offer of financial assistance to subsidize continued rail service 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 a \$900 filing fee. *See* 49 CFR 1002.2(f)(25).

Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate.

Longhorn and the rail line owners, the City of Austin, TX, and Capital Metropolitan Transportation Authority have filed the required environmental report necessary before the line may be discontinued and abandoned. *See Longhorn, supra*.

All filings in response to this notice must refer to STB Docket No. AB-501 (Sub-No. 1X) 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) Donald T. Cheatham, 10220-E Metropolitan Drive, Austin, TX 78758. Persons seeking further information concerning abandonment and discontinuance procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to 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

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(SEA) at (202) 565-1545. [TDD for the hearing impaired is available at (202) 565-1695.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary), prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Decided: May 30, 1997.

By the Board, Vernon A. Williams, Secretary

Vernon A. Williams

Secretary