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SERVICE DATE - MAY 21, 1997

SEC

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-167 (Sub-No. 1178X)]

Consolidated Rail Corporation—Abandonment Exemption—in Erie County, NY

On May 1, 1997, Consolidated Rail Corporation (Conrail) 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 abandon a line of railroad known as the Black Rock Industrial Track, extending from railroad milepost 396.97± to railroad milepost 397.56± in the City of Buffalo, NY, which traverses U.S. Postal Service ZIP Code 14207, a distance of 0.59 miles±, in Erie County, NY. Conrail has indicated that there are no stations on the line and that the line lies wholly within the station of Buffalo.

The line does not contain federally granted rights-of-way. Any documentation in Conrail'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). A final decision will be issued by August 19, 1997.

Any offer of financial assistance 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

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CFR 1002.2(f)(25).

All interested persons should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than June 10, 1997. Each trail use request must be accompanied by a \$150 filing fee. *See* 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-167 (Sub-No. 1178X) 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 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 (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 in these abandonment proceedings normally will be made available within 60 days of the filing

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of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Decided: May 15, 1997.

By the Board, Vernon A. Williams, Secretary

Vernon A. Williams

Secretary