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SERVICE DATE - LATE RELEASE NOVEMBER 8, 1996

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-167 (Sub-No. 1177X)

CONSOLIDATED RAIL CORPORATION--DISCONTINUANCE EXEMPTION--  
IN MONTGOMERY AND BUCKS COUNTIES, PA

Decided: November 5, 1996

By petition filed on October 25, 1996, Consolidated Rail Corporation (Conrail) seeks an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to discontinue service pursuant to its trackage rights over a line of railroad owned by the Southeastern Pennsylvania Transportation Authority (SEPTA), known as the Bethlehem Branch, which extends from milepost 30.5±, near Telford, in Montgomery County, to milepost 45.4±, near Quakertown, in Bucks County, PA, a distance of 14.9 miles.

On September 10, 1996, Conrail filed a notice of intent to discontinue service over the line that is the subject of this petition, signaling that it intended to file an application under 49 U.S.C. 10903 for authority to discontinue service over the line. The notice of intent was assigned STB Docket No. AB-167 (Sub-No. 1170). Previously, on August 21, 1996, Conrail had filed a petition requesting that the Board waive its existing rules for the handling of abandonment and discontinuance applications at 49 CFR 1152.13(d) and 49 CFR part 1152, subparts C and D, and that the Board process the application under the rules the Board proposed for adoption in Abandonment and Discontinuance of Rail Lines and Rail Transportation Under 49 U.S.C. 10903, STB Ex Parte No. 537 (STB served Mar. 15, 1996). The petition for waiver was denied by decision served on September 26, 1996.

When Conrail filed the instant petition, it incorrectly assigned it Sub-No. 1170X. Because Sub-No. 1170 refers to the docket which includes Conrail's notice of intent to file an application for discontinuance authority, the petition for waiver, and the decision on the petition, this petition for exemption has been assigned an altogether new subnumber and docketed as Sub-No. 1177X.

Exemption proceedings are informal, and public comments usually are not sought during the consideration of a petition for exemption. However, the Board may consider during its deliberations any public comments filed in response to the petition. 49 CFR 1121.4(c). If the impact of the proposed exemption cannot readily be ascertained from the information contained in the petition or accompanying submission, or if significant adverse impacts might occur if the proposed exemption were granted, the Board may direct that additional information be filed or request public comments. 49 CFR 1121.4(d)(1) and (2).

By filing a notice of intent to seek authority to discontinue service over the line in Sub-No. 1170, Conrail indicated that it expected opposition to the proposed discontinuance. In view of the fact that Conrail anticipated opposition to the proposed discontinuance, but nevertheless chose to file a petition for exemption under section 10502 rather than an application for discontinuance authority under section 10903, we will establish the procedural schedule set forth below to permit any interested person to file comments on the proposed exemption and to permit Conrail to reply to the comments.

Conrail will be required to serve a copy of this decision on all shippers on the line over which it proposes to discontinue service and on all persons on whom it served its notice of intent in STB Docket No. AB-167 (Sub-No. 1170) to ensure that they will have an opportunity to comment on the proposal.

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

resources.

S.B. Docket No. AB-167 (Sub-No. 1177X)

It is ordered:

1. Comments on the proposed exemption to permit Conrail to discontinue service over the above-described line will be due on December 9, 1996. Comments should refer specifically to STE Docket No. AB-167 (Sub-No. 1177X).

2. Conrail's reply to the comments is due on December 19, 1996 .

3. Conrail shall serve a copy of this decision on all shippers on the above-described line and on all persons on whom it served its notice of intent in STE Docket No. AB-167 (Sub-No. 1170) within 5 days after the date of service of this decision and certify to the Board that it has done so.

4. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary

