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Service Date- November 6, 1996

SURFACE TRANSPORTATION BOARD¹

DECISION

Docket No. AB-167 (Sub-No. 1139)

CONSOLIDATED RAIL CORPORATION--ABANDONMENT--BETWEEN CORRY
AND MEADVILLE, IN ERIE AND CRAWFORD COUNTIES PA

Decided: October 28, 1996

In a certificate and decision served August 1, 1994, the ICC authorized Consolidated Rail Corporation (Conrail) to abandon its 41.8-mile Meadville Line between Corry and Meadville, PA . The abandonment, which was unopposed, was scheduled to become effective on August 31, 1994. Conrails abandonment authority was postponed by decision served August 12, 1994, because the Cities of Corry, Meadville and Union City and the Boroughs of Cambridge Springs and Saegertown, PA (Municipalities) jointly filed an offer of financial assistance (OFA) under former 49 U.S.C. 10905 to purchase the line for its \$2.9 million net liquidation value. The ICC subsequently directed Conrail to sell the line to the Municipalities for continued rail service pursuant to the OFA.

The ICC's decision was reversed in Consolidated Rail Corporation v. STE, 93 F.3d 793 (D.C. Cir. 1996). The court instructed the Board to order the line reconveyed to Conrail.

In accordance with the court's decision, we will reopen this proceeding. We understand that the parties have been discussing sale of the line outside the OFA process. Also, a condemnation action is possible to preserve this line. To provide the parties time and an orderly process for private sale or institution of a condemnation action, we will direct the parties to advise us if they believe any further Board order is needed and if so, what that order should be. If a further order is required, we ask the parties to work together to agree on an order that is acceptable to all concerned.

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

it is ordered:

1.This proceeding is reopened.

¹ The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (ICCTA), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Surface Transportation Board (Board). Section 204(c) of the ICCTA provides, in general, that, if a court remands a suit against the ICC that was pending on the date of that legislation and involves functions retained by the ICCTA, subsequent proceedings related to the case shall proceed under the applicable law and regulations in effect at the time of the subsequent proceedings. The functions at issue in this proceeding were retained and are now found at 49 U.S.C. 10903-05. Thus, current 49 U.S.C. 10903-05 will apply to this proceeding on remand.

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2. Parties are directed to advise us of whether there is a need for further Board action in this proceeding and, if so, what that action should be, by November 21, 1996.

3. This decision is effective on the service date.

By the Board, Chairman Morgan, Vice Chairman Simmons, and
Commissioner Owen.

Vernon A. Williams
Secretary