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SERVICE DATE – FEBRUARY 5, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-996X

READING BLUE MOUNTAIN AND NORTHERN RAILROAD COMPANY–  
ABANDONMENT EXEMPTION–IN SCHUYLKILL COUNTY, PA

Decided: February 4, 2008

Reading Blue Mountain and Northern Railroad Company (RBMN) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 1.2-mile portion of its Minersville Running Track, extending from milepost 7.6 to milepost 8.8, in Norwegian and Cass Townships, in Schuylkill County, PA. Notice of the exemption was served and published in the Federal Register on August 21, 2006 (71 FR 48581). The notice stated that the exemption would become effective on September 20, 2006, unless stayed by the Board or a formal expression of intent to file an offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27(c)(2) was filed by August 31, 2006.

On August 30, 2006, Reading Anthracite Company (RAC) filed a formal expression of intent to file an OFA to subsidize operations over the line. This filing automatically stayed the effective date of the exemption for 10 days, until September 30, 2006.<sup>1</sup> The time period for RAC to submit an OFA was tolled several times and the effective date of the exemption was further postponed by a series of decisions.<sup>2</sup> The most recent decision tolled the time period to file an OFA until April 24, 2008, and postponed the effective date of the exemption until May 4, 2008.

By letter filed on January 28, 2008, RBMN requests to withdraw its notice of exemption. RBMN states that, based on discussions with RAC, it has determined to continue to provide service over the line that was subject to abandonment. RBMN notes that it is authorized to state that RAC does not oppose RBMN's request.

When a carrier is authorized to abandon a line, that authority is permissive, not mandatory. The carrier can choose to exercise that authority or not. Because carriers are not compelled to abandon lines, the Board normally grants a carrier's motion to withdraw its request for abandonment authority. See Almono LP—Abandonment Exemption—in Allegheny County, PA, STB Docket No. AB-842X (STB served Jan. 28, 2004). Until RBMN exercises its abandonment authority, which it has not (and indeed cannot, because the authority is not yet

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<sup>1</sup> See 49 CFR 1152.27(c)(2)(i).

<sup>2</sup> These decisions were served on September 19, 2006, September 29, 2006, March 7, 2007, May 30, 2007, August 27, 2007, November 23, 2007, and January 25, 2008.

effective), the line is not abandoned and the Board's primary jurisdiction over the line continues. Accordingly, the request will be granted, and the notice of exemption will be dismissed. Because the request to withdraw the notice of exemption is being granted, RAC's notice of intent to file an OFA is now moot.

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

It is ordered:

1. RBMN's request to withdraw the notice of exemption is granted, and the notice of exemption is dismissed without prejudice.
2. The notice served and published in the Federal Register on August 21, 2006, is vacated.
3. This decision is effective on its service date.

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

Anne K. Quinlan  
Acting Secretary