

DO

SURFACE TRANSPORTATION BOARD

CERTIFICATE AND DECISION

STB Docket No. AB-167 (Sub-No. 1175)

CONSOLIDATED RAIL CORPORATION--ABANDONMENT--
IN HUNTINGDON COUNTY, PENNSYLVANIA

Decided: January 29, 1997

On December 18, 1996, Consolidated Rail Corporation (Conrail) filed an application to abandon a line of railroad known as the Mt. Union Industrial Track, from milepost 0.0 to milepost 1.60, a distance of 1.60 miles, in the Borough of Mt. Union, Huntingdon County, PA.¹ Public notice was properly given. The United Transportation Union (UTU) requested imposition of labor protection conditions if the proposed abandonment is authorized.

The 30-day period for filing protests has expired and no protest has been filed. Because the application is unopposed, it will be granted and an appropriate certificate and decision will be entered.

Conrail alleges that revenues generated by the line are not forecasted to increase to a level sufficient to support retention of the line. Conrail also alleges that no opportunities for increased carload traffic are evident, and that the line is in need of substantial rehabilitation for operational reliability.

Conrail submitted an environmental report with its application and notified the appropriate Federal, state and local agencies of the opportunity to submit information about the energy and environmental impact of the proposed action. See 49 CFR 1105.7(b). An environmental assessment (EA) prepared by our Section of Environmental Analysis (SEA) was made available to the public on January 17, 1997. SEA examined Conrail's environmental report and analyzed the probable effect of the proposed action on the quality of the human environment. SEA concluded that, based on the information provided from all sources to date, the proposed abandonment, if implemented, will not significantly affect the quality of the human environment. Comments on the EA are due on February 17, 1997. Any additional necessary conditions will be imposed in a subsequent decision. If the Board is unable to complete the environmental review process before the effective date of this abandonment certificate, the effective date will be stayed or other appropriate action will be taken pursuant to 49 CFR 1105.10(f).

¹ The ICC Termination Act of 1995 has made changes to the previous law regarding the processing of abandonments. To implement these changes, we have issued final rules in Abandonment and Discontinuance of Rail Lines and Rail Transportation under 49 U.S.C. 10903, STB Ex Parte No. 537 (STB served Dec. 24, 1996), that became effective on January 23, 1997. Because this application was filed prior to the effectiveness of the new rules, it has been processed under the former regulations.

SEA also determined that the right-of-way may be suitable for alternative public use following abandonment. Requests for a public use condition must be filed and served on Conrail within 10 days after notice of this decision is published in the Federal Register. See former 49 CFR 1152.28(a)(3).

UTU has requested that any abandonment approval be subject to employee protective conditions mandated by 49 U.S.C. 10903. In approving this abandonment, the Board must ensure that affected rail employees are adequately protected. 49 U.S.C. 10903(b)(2). The conditions imposed in Oregon Short Line R. Co.- Abandonment - Goshen, 360 I.C.C. 91 (1979) (Oregon) have been found to satisfy these statutory requirements and are customarily imposed unless modifications have been shown to be needed. Because UTU did not request modification of these conditions, Oregon conditions will be imposed in their standard form.

Therefore, based on the record, I find:

1. Abandonment of the line will not result in a serious adverse impact on rural and community development.
2. The property may be suitable for other public purposes.
3. As conditioned, this action will not significantly affect either the quality of the human environment or conservation of energy resources.

It is certified: The present and future public convenience and necessity permit the abandonment of the above-described line of railroad, subject to the employee protective conditions in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979).

It is ordered:

1. These findings will be published in the Federal Register on the date this decision is served. An offer of financial assistance (OFA) to allow rail service to continue must be received by the railroad and the Board within 10 days after publication. The offeror must comply with 49 U.S.C. 10904 and former 49 CFR 1152.27(c).²
2. Offers and related correspondence to the Board must refer to this proceeding. The following notation must be typed in bold face on the lower left-hand corner of the envelope:
"Office of Proceedings, AB-OFA."
3. Subject to the condition set forth above, and provided no offer for continued rail operations is received, this line may be abandoned after the effective date of this certificate and decision.
4. This certificate and decision will be effective 30 days

² Because we have processed the abandonment application under the former regulations, we will continue to use the former regulations in this proceeding to process an OFA, if one is filed.

from the date of service, unless otherwise ordered by the Board.

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

Vernon A. Williams
Secretary