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SEC

SERVICE DATE - FEBRUARY 3, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-487 (Sub-No. 3X)

PITTSBURG & SHAWMUT RAILROAD, INC.--ABANDONMENT EXEMPTION--
IN JEFFERSON AND CLARION COUNTIES, PA

Decided: January 28, 1999

By decision served January 14, 1998, the Board granted Pittsburg & Shawmut Railroad, Inc. (PSRR), an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon its line of railroad known as the Piney Branch, extending from milepost 0.00 (milepost 40.60 on the main line of the Laurel Subdivision), located at or near Coder to milepost 23.80 located at or near Piney, a distance of 23.80 miles, in Jefferson and Clarion Counties, PA. Among the conditions imposed by the Board was a requirement that PSRR shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the line, including the Coder Viaduct bridge, located at milepost 1.41, and the railroad tunnel located at milepost 23.52, until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (historic preservation condition). The exemption became effective on February 13, 1998. On September 10, 1998, PSRR filed a notice of consummation stating that it "has discontinued operations, canceled tariffs and intends that the property be removed from the interstate rail network."¹ By decision served October 20, 1998, the notice of consummation was rejected on the grounds that the historic preservation condition imposed in this proceeding is a regulatory barrier to consummation, and that PSRR's filing could not provide valid notice of the consummation of the proposed abandonment.

On December 14, 1998, PSRR filed a supplemental notice of consummation that included a letter from the State Historic Preservation Officer (SHPO) in Pennsylvania, stating that the section 106 consultation on the abandonment and rail/cross-tie removal can be considered complete. In view of the SHPO's letter, the historic preservation condition is now satisfied and, accordingly, PSRR's supplemental notice of consummation will be accepted.

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

¹ By letter filed September 16, 1998, PSRR confirmed that its notice of consummation filed on September 10, 1998, was intended only to signify that PSRR has discontinued its service obligations on the line.

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It is ordered:

1. The supplemental notice of consummation filed on December 14, 1998, is accepted.
2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary