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SERVICE DATE - DECEMBER 31, 1997

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 32940 (Sub-No. 1)]

Buffalo & Pittsburgh Railroad, Inc.—Trackage Rights Exemption—Pittsburg & Shawmut Railroad, Inc.

Pittsburg & Shawmut Railroad, Inc. (PSR), a Class III rail carrier, has agreed to grant overhead trackage rights to Buffalo & Pittsburgh Railroad, Inc. (BPRR), a Class II rail carrier, over approximately 7.4 miles of rail line in the State of Pennsylvania on PSR's Laurel Subdivision between milepost 60.0, near Falls Creek, and milepost 67.0, near East Dubois, together with approximately 2,200 feet of connecting track between PSR's Laurel Subdivision and BPRR's Wharton Subdivision (at approximately mileposts 3.3 and 3.4) (collectively, the subject lines).¹

The purpose of the trackage rights is to allow BPRR to shift traffic from a portion of its Wharton subdivision that is in need of rehabilitation to the subject lines that are in better condition, and to allow BPRR to continue to serve its local customers in a safe and more efficient manner.

As a condition to this exemption, any employees affected by the trackage rights will be protected as required by 49 U.S.C. 11326(b), subject to the procedural interpretations of

¹ The trackage rights agreement filed in STB Finance Docket No. 32940 (Sub-No. 1) will amend the trackage rights agreement between the parties, dated May 2, 1996, to include these additional rights.

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the analogous statutory provisions at 49 U.S.C. 10902 contained in the Board's decision in Wisconsin Central Ltd.--Acquisition Exemption--Lines of Union Pacific Railroad Company, STB Finance Docket No. 33116 (STB served Apr. 17, 1997) (WCL Exemption).

The transaction is scheduled to be consummated on or after December 22, 1997.²

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32940 (Sub-No. 1) must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In

² The notice to employees discussed in WCL Exemption and recently adopted as a requirement for certain transactions in Acquisition of Rail Lines Under 49 U.S.C. 10901 and 10902—Advance Notice of Proposed Transactions, STB Ex Parte No. 562 (STB served Sept. 9, 1997), does not apply to exempt trackage rights transactions.

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addition, a copy of each pleading must be served on Eric M. Hockey, Esq., Gollatz, Griffin & Ewing, P.C., 213 W. Miner Street, P.O. Box 796, West Chester PA 19381-0796.

Decided: December 22, 1997.

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

Vernon A. Williams

Secretary