

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34092]

**Monroe County Railroad Authority—
Lease Exemption—Norfolk Southern
Railway Company and Pennsylvania
Lines LLC**

Monroe County Railroad Authority (MCRA), a political subdivision and nonoperating Class III rail common carrier, has filed a notice of exemption under 49 CFR 1150.41 to sublease approximately 10 miles of rail line currently owned by Pennsylvania Lines LLC (PRR) and currently operated by Norfolk Southern Railway Company (NSR).¹ The line consists of that portion of the Stroudsburg Secondary Track extending between milepost 2.0, approximately old milepost 74.4 (Slate), and milepost 12.2, approximately old milepost 84.6 (Gravel), in Monroe and Northampton Counties, PA.²

This transaction is related to STB Finance Docket No. 34091, *Delaware-Lackawanna Railroad Co., Inc.—Operation Exemption—Monroe County Railroad Authority*, wherein Delaware-Lackawanna Railroad Co., Inc. has concurrently filed a notice of exemption under 49 CFR 1150.41 to operate over the rail line involved here.

The transaction was scheduled to be consummated on or about September 14, 2001. The earliest the transaction could have been consummated was on September 14, 2001, the effective date of the exemption (7 days after the exemption was filed).

If the notice 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 does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34092, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Keith G. O'Brien, Esq., REA, CROSS & AUCHINCLOSS, 1707 L Street, NW., Suite 570, Washington, DC 20036.

Board decisions and notices are available on our website at www.stb.dot.gov.

Decided: September 24, 2001.

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

Vernon A. Williams,
Secretary.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-565 (Sub-No. 4X), STB
Docket No. AB-55 (Sub-No. 597X)]

**New York Central Lines, LLC—
Abandonment Exemption—in
Vermillion and Warren Counties, IN,
CSX Transportation, Inc.—
Discontinuance of Service
Exemption—in Vermillion and Warren
Counties, IN**

New York Central Lines, LLC (NYC) and CSX Transportation, Inc. (CSXT) have filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service* for NYC to abandon and CSXT to discontinue service over approximately 6.12 miles of railroad between milepost QSO-15.18 near the Illinois/Indiana State line and milepost QSO-11.30 near Olin, in Vermillion and Warren Counties, IN. The line traverses United States Postal Service Zip Code 47932.

NYC and CSXT have certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to these exemptions, any employee adversely affected by the abandonment or discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, these exemptions will be

effective on October 30, 2001, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking requests under 49 CFR 1152.29 must be filed by October 9, 2001. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by October 18, 2001, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicants' representative: Paul R. Hitchcock, Assistant General Counsel, CSX Transportation, Inc., 500 Water Street J150, Jacksonville, FL 32202.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

NYC and CSXT have filed an environmental report which addresses the effects, if any, of the abandonment and discontinuance on the environment and historic resources. SEA will issue an environmental assessment (EA) by October 5, 2001. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565-1545.

Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), NYC shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by NYC's filing of a notice of consummation by September 28, 2002, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at www.stb.dot.gov.

¹ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

² Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$1000. See 49 CFR 1002.2(f)(25).

¹ MCRA states that NSR will retain overhead trackage rights over the line.

² MCRA anticipates that it will have a contingent option to purchase the line.