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SERVICE DATE – JANUARY 30, 2020

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

Docket No. AB 976 (Sub-No. 2X)

PITTSBURG & SHAWMUT RAILROAD, LLC—ABANDONMENT EXEMPTION—IN  
CLARION AND JEFFERSON COUNTIES, PA.

Docket No. AB 1004X<sup>1</sup>

SHANNON TRANSPORT, INC.—ABANDONMENT EXEMPTION—IN CLARION  
COUNTY, PA.

Decided: January 29, 2020

This decision addresses a joint petition for substitution of trail user under 49 C.F.R. § 1152.29(f) for two connected rail-banked lines in two separate dockets.

By decision and notice of interim trail use or abandonment (NITU) served on July 27, 2007 in Docket No. AB 976 (Sub-No. 2X), Allegheny Valley Land Trust (AVLT) was authorized to negotiate an interim trail use/rail banking agreement with Pittsburg & Shawmut Railroad, LLC (Pittsburg & Shawmut) for approximately 35.95 miles of rail line, pursuant to the National Trails System Act, 16 U.S.C. § 1247(d) (Trails Act) and 49 C.F.R. § 1152.29. AVLT subsequently filed, and the Board granted, several requests to extend the NITU negotiation period. By letter filed on July 8, 2010, before the last NITU extension expired, AVLT informed the Board that an agreement was reached with Pittsburg & Shawmut and Buffalo & Pittsburgh Railroad, Inc.,<sup>2</sup> for interim trail use/rail banking, and that the interim trail use/rail banking acquisition was completed on June 25, 2010.

Similarly, by decision and notice of interim trail use or abandonment served on July 27, 2007 in Docket No. AB 1004X, AVLT was authorized to negotiate an interim trail use/rail banking agreement with Shannon Transport, Inc. (STI), for approximately 12.5 miles of rail line. AVLT subsequently filed, and the Board granted, several requests to extend the NITU. By letter filed on July 8, 2010, before the last NITU extension expired, AVLT informed the Board that an

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<sup>1</sup> These proceedings are not consolidated but are being addressed in the same decision for administrative convenience.

<sup>2</sup> Buffalo & Pittsburgh Railroad, Inc. (Buffalo & Pittsburgh), had filed a notice of exemption to discontinue service and operating rights over the rail line at issue in Docket No. AB 976 (Sub-No. 2X), as well as 12.5 miles of rail line at issue in Docket No. AB 1004X, as described below. See Pittsburg & Shawmut R.R.—Aban. Exemption—in Clarion & Jefferson Cty.s., Pa., AB 976 (Sub-No. 2X) et al. (STB served June 28, 2007).

agreement was reached with STI for interim trail use/rail banking of most of the right-of-way,<sup>3</sup> and that the interim trail use/rail banking acquisition was completed on June 25, 2010.<sup>4</sup>

On December 26, 2019, AVL T and Redbank Valley Trails Association (RVTA) filed a joint petition indicating that RVTA has been named as the successor and assignee to AVL T for its interim trail use agreement with the rail carriers<sup>5</sup> and that RVTA is scheduled to take over responsibility approximately by January 31, 2020. AVL T and RVTA jointly request that the Board, pursuant to 49 C.F.R. § 1152.29(f), reopen these proceedings, vacate the existing NITUs, and issue replacement NITUs substituting RVTA as the new interim trail sponsor in place of AVL T.

Petitioners have submitted a copy of each extant NITU and a statement of willingness by RVTA to assume full responsibility for management of the rights-of-way in each proceeding, for any legal liability arising out of the transfer or use of the rights-of-way, and for the payment of any and all taxes that may be levied or assessed against the rights-of-way, as required by 49 C.F.R. § 1152.29. RVTA also acknowledges that the use of the rights-of-way for trail purposes is subject to RVTA's continuing to meet the responsibilities described above and subject to possible future reconstruction and reactivation of the rights-of-way for rail service.

The petition meets the requirements of 49 C.F.R. § 1152.29(f). Accordingly, the request to substitute trail users in Docket Nos. AB 976 (Sub-No. 2X) and 1004X will be granted and replacement NITUs will be issued.

It is ordered:

1. These proceedings are reopened.
2. The NITU served on July 27, 2007 in Docket No. AB 976 (Sub-No. 2X) is vacated.
3. A replacement NITU applicable to RVTA as interim trail sponsor in Docket No. AB 976 (Sub-No. 2X) is issued, effective on the service date of this decision and notice.
4. The NITU served on January 5, 2016 in Docket No. AB 1004X is vacated.

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<sup>3</sup> STI's line in Docket No. AB 1004X extended between mileposts 6.0 and 4.0 in or near Lawsonham, Pa., and between milepost 0.0 near Lawsonham and milepost 10.5 near Sligo, Pa. AVL T informed the Board that a trail use agreement had been reached for most of the right-of-way, except the portion between mileposts 9.0 and 10.5. By decision issued on January 5, 2016, the Board vacated the original NITU to permit abandonment of the 1.5-mile segment and issued a replacement NITU covering only that portion of the right-of-way subject to the interim trail use agreement. STI filed a notice of consummation for the 1.5-mile segment on January 11, 2016.

<sup>4</sup> According to the joint petition, the lines at issue in these two dockets were subject to the same trail use agreement. (Joint Pet. 2.)

<sup>5</sup> According to the joint petition, Buffalo & Pittsburgh is the successor to Pittsburgh & Shawmut.

5. A replacement NITU applicable to RVTa as interim trail sponsor in Docket No. AB 1004X is issued, effective on the service date of this decision and notice.

6. Interim trail use/rail banking is subject to the future restoration of rail service and to RVTa's continuing to meet the financial obligations for the rights-of-way.

7. If the trail sponsor intends to terminate trail use, it must send the Board a copy of this decision and notice and request that the NITU be vacated on a specified date.

8. This decision and notice is effective on its service date.

By the Board, Allison C. Davis, Director, Office of Proceedings.