

DO

FR-4915-01-P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 183 (Sub-No. 5X)]

Union Railroad Company, LLC—Abandonment Exemption—in the City of McKeesport, Allegheny County, Pa.

Union Railroad Company, LLC (URR), has filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon approximately 5.4 miles of switching and terminal trackage known as the MCR Track in the City of McKeesport in Allegheny County, Pa. (the Line).¹ The Line traverses U.S. Postal Service Zip Code 15132.

URR has certified that: (1) it has provided no local common carrier traffic over the Line during the past two years; (2) no overhead traffic has moved over the Line and overhead traffic, if there were any, could be rerouted over other lines; (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 two-year period; and (4) the requirements at 49 C.F.R. §§ 1105.7 and 1105.8 (notice of environmental and historic

¹ URR states that the Line, which does not have mileposts, is generally bounded on the north by the Monongahela River; on the east by the McKeesport/North Versailles Township line; on the south by Lysle Blvd., 5th Avenue, Bowman Avenue, and/or East Pittsburgh McKeesport Road; and on the west by the Youghiogheny River.

report), 49 C.F.R. § 1105.12 (newspaper publication), and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 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,² the exemption will be effective on June 20, 2021, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues must be filed by May 28, 2021.³ Formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2) and interim trail use/rail banking requests under 49 C.F.R. § 1152.29 must be filed by June 1, 2021.⁴ Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by June 10, 2021.

² Persons interested in submitting an OFA must first file a formal expression of intent to file an offer, indicating the type of financial assistance they wish to provide (i.e., subsidy or purchase) and demonstrating that they are preliminarily financially responsible. See 49 C.F.R. § 1152.27(c)(2)(i).

³ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-of-Serv. 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.

⁴ Filing fees for OFAs and trail use requests can be found at 49 C.F.R. § 1002.2(f)(25) and (27), respectively.

All pleadings, referring to Docket No. AB 183 (Sub-No. 5X), should be filed with the Surface Transportation Board via e-filing on the Board's website. In addition, a copy of each pleading must be served on URR's representative, Crystal M. Zorbaugh, Baker & Miller PLLC, 2401 Pennsylvania Avenue, N.W., Suite 300, Washington, DC 20037.

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

URR has filed a combined environmental and historic report that addresses the potential effects, if any, of the abandonment on the environment and historic resources. OEA will issue a Draft Environmental Assessment (Draft EA) by May 28, 2021. The Draft EA will be available to interested persons on the Board's website, by writing to OEA, or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the Draft EA becomes available to the public.

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

Pursuant to the provisions of 49 C.F.R. § 1152.29(e)(2), URR 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 URR's filing of a notice of consummation by May 21, 2022, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available at www.stb.gov.

Decided: May 17, 2021.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.