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SERVICE DATE – SEPTEMBER 15, 2022

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1320X

GROWTH RESOURCES OF WELLSBORO FOUNDATION—
ABANDONMENT EXEMPTION—IN TIOGA COUNTY, PA.

Docket No. AB 1325X¹

WELLSBORO & CORNING RAILROAD, LLC—DISCONTINUANCE OF LEASE AND
OPERATION AUTHORITY—IN TIOGA COUNTY, PA.

Decided: September 15, 2022

On May 9, 2022, Growth Resources of Wellsboro Foundation (GROW) filed in Docket No. AB 1320X a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon an approximately 3.191-mile portion of the Wellsboro Industrial Track between milepost 0.624 and milepost 3.815, in Wellsboro, Tioga County, Pa. (Verified Notice, Growth Res. of Wellsboro Found.—Aban. Exemption—in Tioga Cnty., Pa., May 9, 2022, AB 1320X.)² By decision served June 8, 2022, that proceeding, including environmental review, was held in abeyance and GROW was directed to file a supplement addressing several issues relating to the proposed abandonment. Growth Res. of Wellsboro Found.—Aban. Exemption—in Tioga Cnty., Pa. (June 8 Ord.), AB 1320X, slip op. at 1-2 (STB served June 8, 2022).

On June 16, 2022, GROW filed a comment with supporting exhibits in response to the June 8 Order. The June 16 submission clarifies that GROW is the owner of the subject line and has been since 1992. (GROW Comment 1-2, Growth Res. of Wellsboro Found.—Aban. Exemption—in Tioga Cnty., Pa., June 16, 2022, AB 1320X.) GROW further explains that Wellsboro & Corning Railroad, LLC (WCOR), holds operating rights over the subject line under an operating agreement that GROW and WCOR entered into in 2008, and that this operating agreement did not convey any ownership interest to WCOR. (Id. at 2.) Relatedly, GROW states

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

² According to the verified notice, GROW intends to sell the line in question to Tioga County for the public purpose of constructing a greenway, along with other trail networks and open space. (Id. at 3.) Relatedly, on June 2, 2022, the County of Tioga filed a request for issuance of a public use condition.

that the verified notice of exemption in Docket No. FD 35595 referenced in the June 8 Order,³ which stated that WCOR was acquiring ownership and operating authority from Wellsboro & Corning Railroad Co. (WCR), “contained misleading information since the . . . rail line was owned by GROW and not WCR.” (GROW Comment 3, June 16, 2022.) GROW also notes that the 2012 verified notice in Docket No. FD 35595 incorrectly identified the milepost at Wellsboro, Pa., as milepost 109.9, and that the correct milepost designations for the Wellsboro Industrial Track are mileposts 0.0 to 3.9. (Id.) Finally, GROW clarifies that the portion of the Wellsboro Industrial Track that GROW seeks to abandon extends from milepost 0.624 to milepost 3.9 (the Line), and that WCOR would seek authority to discontinue service over the Line in conjunction with GROW’s proposed abandonment. (Id.)⁴

On July 28, 2022, GROW and WCOR jointly filed a verified notice of exemption pursuant to 49 C.F.R. part 1152 subpart F—Exempt Abandonments & Discontinuances of Service for GROW to abandon, and for WCOR to discontinue lease and operation authority over, the Line. (Verified Notice, Growth Res. of Wellsboro Found.—Aban. Exemption—in Tioga Cnty., Pa., AB 1320X et al., July 28, 2022). GROW and WCOR filed a supplement to the joint verified notice on August 19, 2022.⁵

To permit consideration of issues raised by the parties’ filings, Docket No. AB 1320X will remain in abeyance and Docket No. AB 1325X will be held in abeyance until further order of the Board.

It is ordered:

1. The proceeding in Docket No. AB 1320X, including the environmental review, remains in abeyance until further order of the Board.
2. The proceeding in Docket No. AB 1325X is held in abeyance until further order of the Board.
3. This decision is effective on its date of service.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

³ See June 8 Ord., 1-2 (referencing Wellsboro & Corning R.R., LLC Verified Notice, Feb. 6, 2012, Wellsboro & Corning R.R.—Acquis. & Operation Exemption—Wellsboro & Corning R.R., FD 35595.)

⁴ On June 21, 2022, the National Association of Reversionary Property Owners (NARPO) filed a comment contending that the Board lacks jurisdiction over the Line.

⁵ In light of the supplement, August 19, 2022, is deemed the filing date of the joint verified notice.