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May 7, 2024
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Justin J. Marks
T (202) 772-0916
F +12027720919
Email:jjmarks@ClarkHill.com

Clark Hill
1001 Pennsylvania Avenue N.W.
Suite 1300 South
Washington, DC 20004
T (202) 772-0909
F (202) 772-0919

May 7, 2024

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

Re: West Shore Railroad Corp. – Abandonment Exemption – In Union and
Northumberland Counties, PA, STB Docket No. AB-1017X
Substitution of Interim Trail Sponsor (color images included)

Dear Ms. Brown:

This letter is being filed jointly on behalf of Buffalo Valley Recreation Authority (formerly Lewisburg Area Recreation Authority)¹ ("LARA/BVRA"), the current trail sponsor of record, and Union County Trail Authority ("UCTA"), for UCTA to obtain after-the-fact approval to be a substitute trail sponsor, in accordance with the requirements of 49 C.F.R. §1152.29(f).

By decision served June 26, 2008, the Board issued a notice of interim trail use ("NITU") in favor of the LARA/BVRA as trail sponsor with respect to the line of railroad known as the Mifflinburg Branch, extending from milepost 0.0 at Montandon, in Northumberland County, PA, and extending in a generally westerly direction, crossing the West Branch of the Susquehanna River through Lewisburg to the Borough of Mifflinburg, ending at milepost 11.8 in Union County, PA. Subsequently, in 2010, the Board granted LARA a petition to vacate a portion of the NITU extending from milepost 0.0 to State Route 405 on the east bank of the Susquehanna River. As such, the line currently under the NITU extends from State Route 405 on the east bank of the Susquehanna River to the Borough of Mifflinburg, to the end point at milepost 11.8 in Union County, PA (the "Remaining Rail Line").

On March 21, 2019 LARA/BVRA entered into an Asset Transfer Agreement to transfer its rights and responsibilities of the Rail Line to UCTA. Neither party was aware of the need to seek STB authority for UCTA to assume trail sponsorship. Therefore, BVRA/LARA hereby notifies the Board that it is seeking after-the-fact authority to terminate its trail use, and UCTA hereby requests after-the-fact authority to become the substitute trail sponsor with respect to the entire Remaining Rail Line by assuming financial responsibility for the Remaining Rail Line.

¹ Lewisburg Area Recreation Authority changed its corporate name to Buffalo Valley Recreation Authority in 2013.

In accordance with 49 C.F.R. §1152.29(f), LARA/BVRA and UCTA hereby jointly notify the Board as follows:

- (1) Copies of the initial NITU decision served June 26, 2008 and the NITU modification served November 5, 2010 are enclosed as Exhibit A.
- (2) A Statement of Willingness to Assume Financial Responsibility of UCTA is enclosed as Exhibit B.
- (3) UCTA acknowledges that interim trail use is subject to reconstruction and reactivation of the right-of-way of the Remaining Rail Line for rail service.
- (4) LARA/BVRA and UCTA intend that the formal transfer of responsibility for the right-of-way of the Rail Line to be effective as of the date of the transfer on March 19, 2019, or no later than the date the Board issues a replacement NITU.

Based on the foregoing, LARA/BVRA and UCTA request that the Board reopen the abandonment exemption, vacate the existing NITU and issue an appropriate replacement NITU to UCTA as the substitute trail sponsor.

Please let us know if there are any questions regarding this filing.

Sincerely,



Justin J. Marks
Counsel to Union County Trail Authority

Enclosure

Exhibit A

SERVICE DATE – JUNE 26, 2008

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-1017X

WEST SHORE RAILROAD CORPORATION—ABANDONMENT EXEMPTION—IN UNION
AND NORTHUMBERLAND COUNTIES, PA

Decided: June 25, 2008

West Shore Railroad Corporation (West Shore) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a line of railroad known as the Mifflinburg Branch, extending from milepost 0.0 at Montandon, in Northumberland County, PA, and extending in a generally westerly direction, crossing the West Branch of the Susquehanna River through Lewisburg to the Borough of Mifflinburg, ending at milepost 11.8 in Union County, PA. Notice of the exemption was served and published in the Federal Register on April 21, 2008 (73 FR 21406-07).¹ On April 24, 2008, Lewisburg Area Recreation Authority (LARA) filed a request for the issuance of a notice of interim trail use (NITU) and for a public use condition. The exemption was scheduled to become effective on May 21, 2008, unless stayed by the Board or a formal expression of intent to file an offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27(c)(2) was filed by May 1, 2008.

On April 30, 2008, the Mifflinburg Rail Company (MRC) filed a formal expression of intent to file an OFA to purchase West Shore's line proposed for abandonment, or portions thereof. This filing automatically stayed the effective date of the exemption for 10 days. In the filing, MRC not only asked the railroad for the information specified in the Board's rules, but for significant other information as well. MRC further requested that the Board toll for 60 days the initial due date for the filing of its OFA to give it adequate time to analyze the information provided by West Shore. On May 15, 2008, MRC filed a request that the Board toll the deadline for it to file its OFA until after LARA had had an opportunity to acquire the line for interim trail use.

By decision served on May 20, 2008 (May 20 Decision), the Board directed West Shore to provide MRC with information contained in the Board's rules at 49 CFR 1152.27(a) to enable MRC to file an OFA, tolled the time period for MRC to file an OFA until 10 days after West Shore notified the Board in writing that it had provided MRC with that information, and

¹ The notice also embraced STB Docket No. AB-1018X, Union County Industrial Railroad Company—Discontinuance of Service Exemption—in Union County, PA, in which Union County Industrial Railroad Company sought an exemption to discontinue service in Union County, PA, between Lewisburg and Mifflinburg.

postponed the effective date of the exemption until 10 days after the due date for the filing of an OFA. The May 20 Decision also denied MRC's other requests, imposed four environmental conditions, and held the trail use and public use requests in abeyance pending completion of the OFA process.²

By letter filed on May 28, 2008, MRC now seeks permission to withdraw its notice of intent to file an OFA. By letter filed on June 3, 2008, West Shore asks that the Board grant MRC's withdrawal request and issue a NITU in this proceeding. The withdrawal request will be granted. Accordingly, the financial assistance process prescribed in the May 20 Decision will be terminated. Also, as indicated in the May 20 Decision, if the OFA process terminated without a sale, the Board would issue a decision and notice effective on its service date imposing interim trail use and a public use condition. Accordingly, a NITU will now be issued and a public use condition will be imposed.

This decision and notice will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. The request for permission to withdraw the notice of intent to file an OFA is granted and the financial assistance process in this proceeding is terminated.
3. Upon reconsideration, the notice served and published in the Federal Register on April 21, 2008, exempting the abandonment of the line described above, is subject to the condition that West Shore shall leave intact all of the right-of-way, including bridges, trestles, and culverts (except track, ties, and signal equipment) for a period of 180 days from the effective date of this decision and notice to enable any state or local government agency or any other interested person to negotiate the acquisition of the line for public use, and is modified to the extent necessary to implement interim trail use/rail banking as set forth below, for a period of 180 days commencing from the service date of this decision and notice.
4. If an interim trail use/rail banking agreement is reached, it must require the trail user to assume, for the term of the agreement, full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which

² The Board concluded at that time, that LARA had satisfied the requirements for both public use and trail use, but noted that, because an OFA takes priority over such requests, the OFA process had to be completed before public use and trail use conditions could be issued and become effective.

case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way.

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

6. If interim trail use is implemented and subsequently the user intends to terminate trail use, it must send the Board a copy of this decision and notice and request that it be vacated on a specified date.

7. If an agreement for interim trail use/rail banking is reached by the 180th day after the service date of this decision and notice (December 23, 2008), interim trail use may be implemented. If no agreement is reached by that time, West Shore may fully abandon the line.

8. West Shore's exemption will become effective on the service date of this decision and notice.

9. This decision and notice will be effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Anne K. Quinlan
Acting Secretary

SERVICE DATE – NOVEMBER 5, 2010

SURFACE TRANSPORTATION BOARD

DECISION AND MODIFICATION OF
NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

Docket No. AB 1017X

WEST SHORE RAILROAD CORPORATION—ABANDONMENT EXEMPTION—IN UNION
AND NORTHUMBERLAND COUNTIES, PA.

Decided: November 4, 2010

West Shore Railroad Corporation (West Shore) filed a notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon a line of railroad known as the Mifflinburg Branch, extending from milepost 0.0 at Montandon, in Northumberland County, Pa., in a generally westerly direction, crossing the West Branch of the Susquehanna River through Lewisburg to the Borough of Mifflinburg, and ending at milepost 11.8 in Union County, Pa.¹ On June 26, 2008, the Board at the request of Lewisburg Area Recreation Authority (LARA) reopened the proceeding and issued a notice of interim trail use or abandonment (NITU) under the National Trails System Act, 16 U.S.C. § 1247(d). LARA subsequently acquired all of West Shore's right, title, and interest in the Mifflinburg Branch by quit claim deed dated September 8, 2008.

By petition filed on September 9, 2010, LARA requests that the Board vacate, in part, the portion of the NITU extending from milepost 0.0 to State Route 405 on the east bank of the Susquehanna River.² LARA states that this portion of the Mifflinburg Branch passes through a wetland/catch basin where the former rail bed has been subject to subsidence and that the trail would need extensive wooden bridging to cross this area, which would require continual maintenance. LARA further states that the right-of-way available at locations adjacent to public highways is not sufficient to create safe and adequate trailheads along this portion of the Mifflinburg Branch and that public accessibility is very limited and presents safety issues.

¹ Notice of the exemption was served and published at 73 Fed. Reg. 21,406-07 on April 21, 2008. It embraced Docket No. AB 1018X, Union County Industrial Railroad—Discontinuance of Service Exemption—in Union County, Pa., in which Union County Industrial Railroad Company sought an exemption to discontinue service in Union County, Pa., between Lewisburg and Mifflinburg.

² LARA notes that vacating the NITU for this section of the right-of-way will not sever the rest of the Mifflinburg Branch from the national rail system because the rest of the Branch intersects with the Union County Industrial Railroad in Lewisburg, Pa., on the west bank of the Susquehanna River.

Therefore, LARA wishes to release this portion of the Mifflinburg Branch from the NITU issued in this proceeding. LARA will remain as the trail user for the remainder of the right-of-way.

LARA has complied with the requirements of 49 C.F.R. § 1152.29(d)(2) regarding its request to vacate the NITU for a portion of the right-of-way. Thus, West Shore may consummate the authority it has received to abandon the line from milepost 0.0 to State Route 405 on the east bank of the Susquehanna River and must do so within 60 days of the issuance of this decision, or else the authority will lapse. Pursuant to 49 C.F.R. § 1152.29(d)(2), copies of this decision will be served on West Shore and LARA.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. The NITU served in this proceeding on June 26, 2008, is vacated with respect to that portion of the line from milepost 0.0 to State Route 405 on the east bank of the Susquehanna River. West Shore may fully abandon this portion of the line. LARA will remain the trail user for the remainder of the right-of-way.
3. This decision is effective on the date of service.

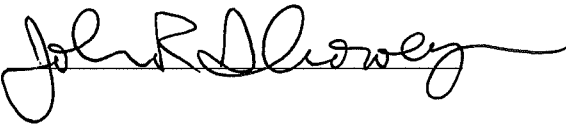
By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Exhibit B

Statement of Willingness to Assume Financial Responsibility

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29 with respect to the right-of-way originally owned by West Shore Railroad Corp. (Railroad), Union County Trail Authority (Interim Trail Sponsor) is willing to assume full responsibility for: (1) managing the right-of-way, (2) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify the railroad against any potential liability), and (3) the payment of any and all taxes that may be levied or assessed against the right of way of the Remaining Rail Line. The property, known as the Mifflinburg Branch, extends from State Route 405 on the east bank of the Susquehanna River to the Borough of Mifflinburg, to the end point at milepost 11.8 in Union County, PA. The right-of-way is part of a line of railroad originally proposed for abandonment in Docket No. STB AB 1017X. A map of the property depicting the right-of-way of the original rail line and the Remaining Rail Line is attached.

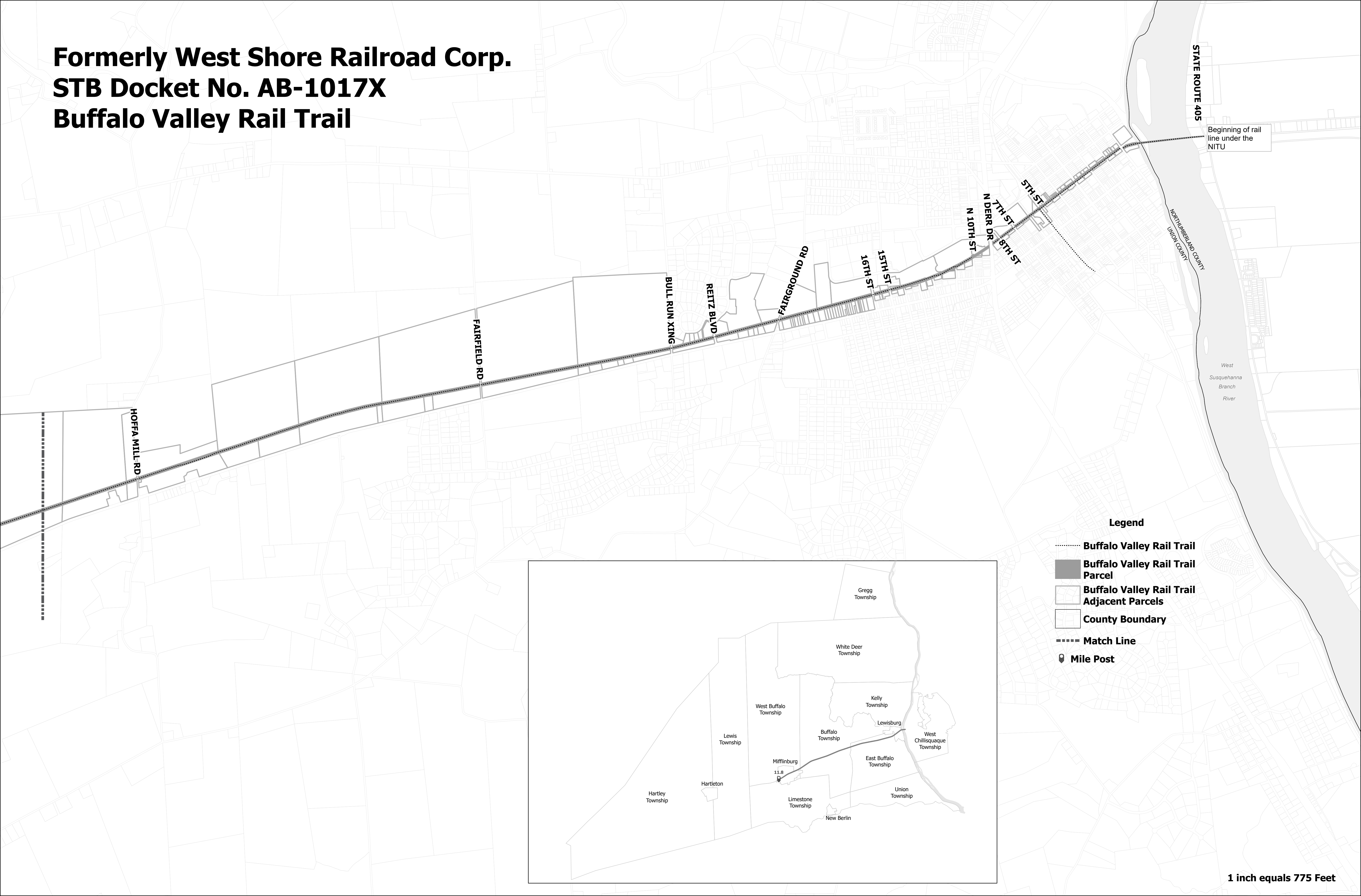
Union County Trail Authority acknowledges that use of the right-of-way is subject to the sponsor's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad(s) on the same date it is being served on the Board.

By: 

Name: John R. Showers

Title: Chairman

Formerly West Shore Railroad Corp.
STB Docket No. AB-1017X
Buffalo Valley Rail Trail



Beginning of rail line under the NITU

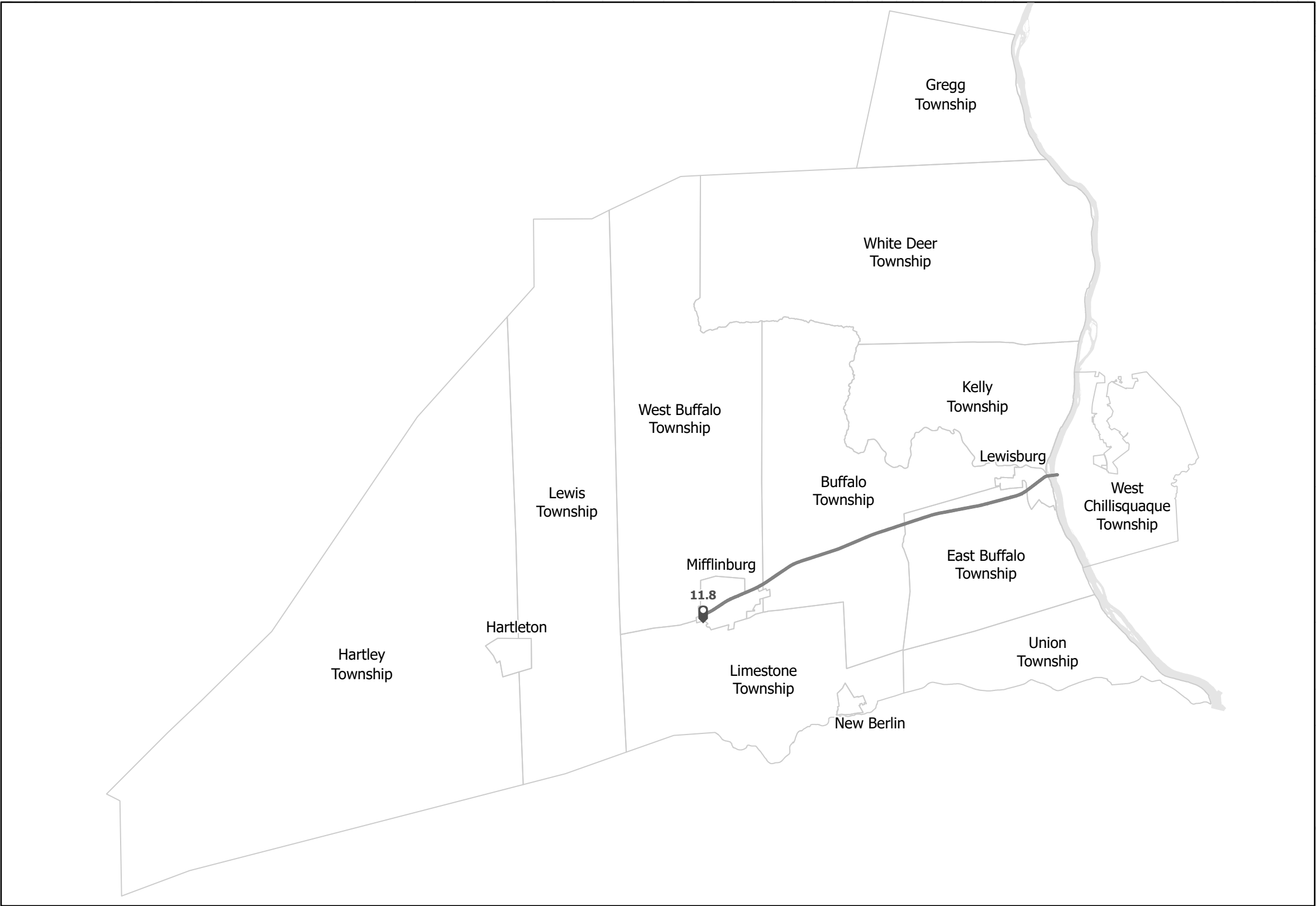
STATE ROUTE 405

NORTHUMBERLAND COUNTY
UNION COUNTY

West
Susquehanna
Branch
River

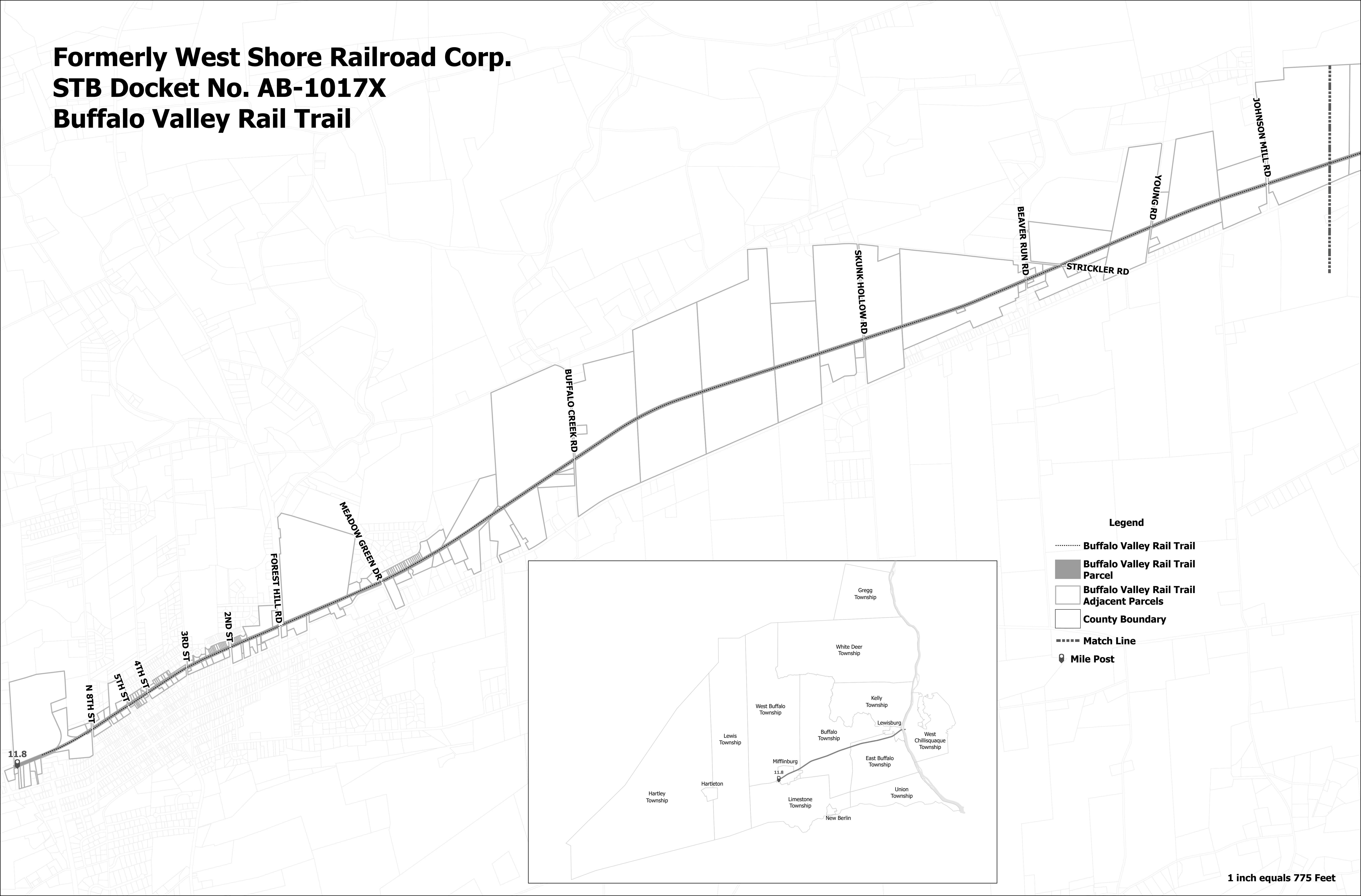
Legend

- Buffalo Valley Rail Trail
- Buffalo Valley Rail Trail Parcel
- Buffalo Valley Rail Trail Adjacent Parcels
- County Boundary
- Match Line
- 📍 Mile Post



1 inch equals 775 Feet

Formerly West Shore Railroad Corp.
STB Docket No. AB-1017X
Buffalo Valley Rail Trail



Legend

- Buffalo Valley Rail Trail
- Buffalo Valley Rail Trail Parcel
- Buffalo Valley Rail Trail Adjacent Parcels
- County Boundary
- Match Line
- 📍 Mile Post

Certificate of Service

I hereby certify that, on this 7th day of May, 2024, the foregoing filing was served by email and/or first-class mail on the Buffalo Valley Recreation Authority, the West Shore Railroad Corporation, and all parties of record.

John Rowe
Executive Director
Buffalo Valley Recreation Authority
815 Market Street, Suite #182
Lewisburg, PA 17837
director@BVREC.org

William Sanders, Secretary
West Shore Railroad Corporation
80 Hollow Road
Lewisburg, PA 17837
wsand101@hotmail.com

U.S. Army Corps Of Engineers
PO BOX 1715
Baltimore, MD 21203-1715

Natural Resources Conservation Service
359 East Park Drive Suite 2
Harrisburg, PA 17111-2747

Rebecca Brouse
729 Old Rt 45
Milton, PA 17847
Rb729@Ptd.net

Andrew P. Wagner
1785 Groveway Drive
Germantown, TN 38139

Susan Zacher
400 North Street
Commonwealth Keystone Building 2nd Floor
Harrisburg, PA 17120-0093

Allen A. Bubbs
313 Packer Street
Sunbury, PA 17801-1223



Justin J. Marks