

DO

FR-4915-01-P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 180X]

The Lowville & Beaver River Railroad Company—Abandonment Exemption—in Lewis County, N.Y.

The Lowville & Beaver River Railroad Company (LBRR) has filed a verified notice of exemption under 49 CFR part 1152 subpart F—Exempt Abandonments to abandon a 10.57-mile rail line extending from milepost 0.0 in Lowville, N.Y., to milepost 10.57¹ in Croghan, N.Y. (the Line).² The Line traverses U.S. Postal Service Zip Codes 13367 and 13327.

LBRR has certified that: (1) no local or overhead freight traffic has moved over the Line in at least 15 years;³ (2) there is no overhead traffic to reroute; (3) no formal

¹ In its verified notice of exemption, LBRR states that the Line terminates at milepost 10.44. (Verified Notice 2.) In a subsequent filing, LBRR clarifies that the endpoint is actually milepost 10.57 in Croghan. (LBRR Suppl. 2, Sept. 27, 2023.)

² By decision served on January 22, 2024, the Board held this proceeding in abeyance and directed LBRR to (1) seek after-the-fact authority to acquire the Line; and (2) update its Environmental and Historic Report (E&H Report), serve that updated report on the parties required to receive it, and allow 20 days for responses. Mohawk, Adirondack & N. R.R.—Aban. Exemption—in Lewis & Jefferson Cntys., N.Y., AB 768X et al., slip op. at 3-4, 8 (STB served Jan. 22, 2024). By a separate decision served concurrently with this notice, the Board finds that LBRR has complied with the Board's directives and therefore removes this proceeding from abeyance.

³ In the decision being served concurrently with this notice, the Board grants LBRR's motion to waive the Board's regulation at 49 CFR 1152.50(b) to the extent it requires LBRR to have had Board-authorized ownership of the Line for at least two years in order to qualify for a class exemption under 49 CFR part 1152 subpart F.

complaint filed by a user of rail service on the Line (or by a state or local government on behalf of such user) regarding cessation of service over the Line is pending with either the Surface Transportation Board (Board) or any U.S. District Court or has been decided in favor of a complainant within the past two years; and (4) the requirements at 49 CFR 1105.7(b) and 1105.8(c) (notice of environmental and historic reports),⁴ 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to government 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,⁵ this exemption will be effective on February 13, 2025, unless stayed pending reconsideration.⁶ Petitions to stay that do not involve environmental

⁴ On April 5, 2024, LBRR submitted a verified supplement and amendment to its verified notice of exemption, which included a revised E&H Report. On April 29, 2024, LBRR submitted additional revisions to its E&H Report.

⁵ 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 CFR 1152.27(c)(2)(i).

⁶ The Board received numerous comments in this docket from parties opposing the abandonment. In the decision served concurrently with this notice, the Board considers these comments as petitions to reject the verified notice and denies the petitions.

issues,⁷ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2), and interim trail use/railbanking requests under 49 CFR 1152.29 must be filed by January 24, 2025.⁸ Petitions to reopen and requests for public use conditions under 49 CFR 1152.28 must be filed February 3, 2025.

All pleadings, referring to Docket No. AB 180X, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street, S.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on LBRR's representative, John K. Fiorilla, Dyer & Peterson PC, 605 Main Street, Suite 104, Riverton, NJ 08077-1440.

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

LBRR 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 January 17, 2025. The Draft EA will be available to interested persons on the Board's website, by writing to OEA, or by calling OEA at (202) 245-0294. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245-0245. Comments on

⁷ 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.

⁸ Filing fees for OFAs and trail use requests can be found at 49 CFR 1002.2(f)(25) and (27), respectively.

environmental or historic preservation matters must be filed within 15 days after the Draft EA becomes available to the public.

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

Pursuant to the provisions of 49 CFR 1152.29(e)(2), LBRR 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 LBRR's filing of a notice of consummation by January 14, 2026, 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: January 8, 2025.

By the Board, Valerie O. Quinn, Acting Director, Office of Proceedings.