

SERVICE DATE - FEBRUARY 26, 1997

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-88 (Sub-No. 8X)

BESSEMER AND LAKE ERIE RAILROAD COMPANY--ABANDONMENT
EXEMPTION--ARMSTRONG AND BUTLER COUNTIES, PA

Decided: February 25, 1997

Bessemer and Lake Erie Railroad Company (B&LE) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon 3.13 miles of its line of railroad known as the Western Allegheny Branch, extending from Station 2294+53 eastward to the end of the track at Station 2460+01, in Armstrong and Butler Counties, PA. Notice of the exemption was served and published in the Federal Register on December 19, 1996 (61 FR 67106-07). Bradys Bend Corporation (Bradys Bend) timely filed a formal expression of intent to file an offer of financial assistance (OFA) under 49 CFR 1152.27(c)(2), automatically staying the exemption's effective date until January 28, 1997.

By decisions served January 13, 1997, and January 29, 1997, the OFA due date was tolled to February 20, 1997, and the effective date of the exemption was postponed until March 2, 1997.

By letter filed January 29, 1997, B&LE requests permission to withdraw its verified notice of exemption and requests that its notice of exemption be dismissed without prejudice. B&LE asserts that this line is adjacent to a 16-mile track segment that may also be abandoned. B&LE anticipates that the two line segments will be the subject of an abandonment proposal in one proceeding.¹ B&LE further states that negotiations with Bradys Bend concerning sale of its line cannot occur until a final decision has been made as to whether the adjacent segment will be abandoned.² Therefore, the request to withdraw the notice of exemption will be granted.

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

It is ordered:

1. B&LE's request to withdraw its notice of exemption is granted.

¹ B&LE states that the adjoining segment has not had sufficient business in the past and believes that there will be no future volumes of traffic on the line that will justify keeping it in business.

² B&LE asserts that a copy of the withdrawal request was served on Bradys Bend and that it has also notified its representative verbally. Bradys Bend did not reply to B&LE's request to withdraw its notice of exemption.

2. This proceeding is dismissed.

3. This decision is effective on the service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary