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SERVICE DATE – AUGUST 22, 2024

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

Docket No. AB 1017X

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

Decided: August 22, 2024

West Shore Railroad Corporation (West Shore) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon a railroad line known as the Mifflinburg Branch, 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, and 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 Fed. Reg. 21,406).

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) permitting LARA to negotiate for interim trail use/rail banking of the Mifflinburg Branch under the National Trails System Act, 16 U.S.C. § 1247(d). W. Shore R.R.—Aban. Exemption—in Union & Northumberland Cntys., Pa., AB 1017X (STB served June 26, 2008). By quitclaim deed dated September 8, 2008, LARA acquired all of West Shore’s right, title, and interest in the Mifflinburg Branch. See W. Shore R.R.—Aban. Exemption—in Union & Northumberland Cntys., Pa., AB 1017X (STB served Nov. 5, 2010).

In 2010, pursuant to a petition by LARA, the Board vacated the NITU, in part, with respect to the portion of the Mifflinburg Branch extending from milepost 0.0 to State Route 405 on the east bank of the Susquehanna River, and on December 13, 2010, West Shore filed a Notice of Consummation abandoning that portion of the Mifflinburg Branch.¹ The NITU remained intact for the portion of the Mifflinburg Branch from State Route 405 on the east bank of the Susquehanna River to milepost 11.8 (NITU Segment).

¹ The abandonment did not sever the remainder of the Mifflinburg Branch from the national rail system as it intersects with the Union County Industrial Railroad in Lewisburg, Pa., on the west bank of the Susquehanna River. Id. at 1, n.2.

On May 7, 2024, the Union County Trail Authority (UCTA) and Buffalo Valley Recreation Authority (BVRA)² jointly filed an after-the-fact request to reopen the abandonment exemption, vacate the existing NITU, and issue a replacement NITU, substituting UCTA for BVRA as trail sponsor on the NITU Segment. West Shore consented to the NITU substitution on May 20, 2024.

The joint request states UCTA entered into an Asset Transfer Agreement with BVRA on March 21, 2019, to transfer the rights and responsibilities associated with the NITU Segment from BVRA to UCTA. The request states that neither party was aware of the need to seek Board authority to change trail sponsorship. Now aware of the requirement, the parties request that the Board vacate the existing NITU and issue a NITU recognizing UCTA as the substitute trail sponsor.

Pursuant to 49 C.F.R. § 1152.29(f), UCTA has submitted a statement indicating its willingness to assume full responsibility for: (i) management of the right-of-way; (ii) 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 (iii) the payment of any and all taxes that may be levied or assessed against the right-of-way. UCTA has also acknowledged that the use of the right-of-way for trail purposes is subject to future reconstruction and reactivation of the right-of-way for rail service.

Because UCTA's request complies with the requirements of 49 C.F.R. § 1152.29(f) and West Shore has consented to the substitution of trail sponsor, this proceeding will be reopened, the NITU issued to LARA will be vacated, and a replacement NITU will be issued to UCTA for the NITU Segment.

It is ordered:

1. This proceeding is reopened.
2. The NITU issued on June 26, 2008, in this proceeding and vacated in part on November 5, 2010, is vacated.
3. A replacement NITU applicable to UCTA as interim trail sponsor of the NITU Segment is issued, effective on the service date of this decision and notice.
4. The new trail sponsor is required to assume, for the term of the agreement, full responsibility for (i) management of the right-of-way; (ii) any legal liability arising out of the transfer or use of the right-of-way (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability); and (iii) the payment of any and all taxes that may be levied or assessed against the right-of-way.

² The May 7, 2024 request states that LARA changed its corporate name to Buffalo Valley Recreation Authority in 2013.

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

6. If the trail sponsor 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. This decision is effective on its service date.

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