

50789
DO

SERVICE DATE – MAY 24, 2021

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 34681

KISKI JUNCTION RAILROAD—ACQUISITION EXEMPTION—BERKMAN RAIL
SERVICES

Decided: May 24, 2021

Kiski Junction Railroad (KJRR) filed a verified notice of exemption under 49 C.F.R. § 1150.31 to acquire from Berkman Rail Services two segments of rail line, including a segment identified as Line Code 2229 (the Line). The Line was described as extending from milepost 30.0 to milepost 28.91 in Armstrong County, Pa.¹ Notice of the exemption was served and published in the Federal Register on May 25, 2005 (70 Fed. Reg. 30,184). The exemption became effective on May 2, 2005.

On May 7, 2021, KJRR filed a petition requesting that the Board modify the notice to correct a milepost error. KJRR states that its 2005 verified notice incorrectly identified the end of the Line as milepost 28.91. KJRR notes, however, that the parties' agreement, which was appended to the verified notice, as well as the map appended to the verified notice, both correctly identified the end point as milepost 28.8, and the verified notice also correctly identified the overall length of the lines being acquired as 5.2 miles, consistent with that milepost designation.

Accordingly, the Board's notice will be modified to reflect that the correct milepost designation for the end of the Line is milepost 28.8.

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 request to correct the Board's notice served and published on May 25, 2005, is granted, and the notice is modified, nunc pro tunc, to reflect that the correct milepost designation for the end of the Line is milepost 28.8.

¹ The verified notice also encompassed a connecting 4.0-mile segment of track known as Line Code 2242.

3. This decision is effective on its date of service.

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