

Subpart E [Reserved]

Subpart F—Exempt Abandonments and Discontinuances of Service and Trackage Rights

1152.50 Exempt abandonments and discontinuances of service and trackage rights.

Subpart G—Special Rules Applicable to Petitions for Abandonments or Discontinuances of Service or Trackage Rights Filed Under the 49 U.S.C. 10502 Exemption Procedure

1152.60 Special rules.

AUTHORITY: 11 U.S.C. 1170; 16 U.S.C. 1247(d) and 1248; 45 U.S.C. 744; and 49 U.S.C. 1301, 1321(a), 10502, 10903–10905, and 11161.

SOURCE: 61 FR 67883, Dec. 24, 1996, unless otherwise noted.

Subpart A—General

§ 1152.1 Purpose and scope.

(a) 49 U.S.C. 10903 *et seq.* governs abandonment of rail lines and discontinuance of rail service by common carriers. Section 10903(d) provides that no line of railroad may be abandoned and no rail service discontinued unless the Board finds that the present or future public convenience and necessity require or permit the abandonment or discontinuance.

(b) Part 1152 contains regulations governing abandonment of, and discontinuance of service over, rail lines. This part also sets forth procedures for providing financial assistance to assure continued rail freight service under 49 U.S.C. 10904, for acquiring rail lines for alternate public use under 49 U.S.C. 10905, and for acquiring or using a rail right-of-way for interim trail use and rail banking.

§ 1152.2 Definitions.

Unless otherwise provided in the text of the regulations, the following definitions apply in this part:

(a) *Account* means an account in the Board's Uniform System of Accounts for Railroad Companies (49 CFR part 1201).

(b) *Act* means the ICC Termination Act of 1995 (Pub. L. 104–88, 109 Stat. 803), as amended.

(c) *Base year* means the latest 12-month period, ending no earlier than 6 months prior to the filing of the abandonment or discontinuance application, for which data have been collected at the branch level as prescribed in §1152.30(b).

(d) *Board* means the Surface Transportation Board.

(e) *Branch* means a segment of line for which an application for abandonment or discontinuance, pursuant to 49 U.S.C. 10903, has been filed.

(f) *Carrier* means a railroad company or the trustee or trustees of a railroad company subject to regulation under 49 U.S.C., Subtitle IV, chapter 105.

(g) *Designated state agency* means the instrumentality created by a state or designated by appropriate authority to administer or coordinate its state rail plan.

(h) *Forecast Year* means the 12-month period, beginning with the first day of the month in which the application is filed with the Board, for which future revenues and costs are estimated.

(i) *Form R–1* means the railroad's annual report filed with the Board in accordance with the requirements of 49 U.S.C. 11145.

(j) *Offeror* means a shipper, a state, the United States, a local or regional transportation authority, or any financially responsible person offering rail service continuation assistance under 49 U.S.C. 10904.

(k) *URCS* means the Uniform Railroad Costing System.

(1) *Significant user* means:

(1) Each of the 10 rail patrons which originated and/or received the largest number of carloads (or each patron if there are less than 10); and

(2) Any other rail patron which originated and/or received 50 or more carloads, on the line proposed for abandonment or discontinuance, during the 12-month period preceding the month in which notice is given of the abandonment or discontinuance application.

(m) *Subsidy year* means any 12-month period for which a subsidy agreement has been negotiated and is in operation.