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SERVICE DATE - JANUARY 12, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-167 (Sub-No. 1181X)

CONSOLIDATED RAIL CORPORATION — ABANDONMENT EXEMPTION —  
IN EDGAR AND VERMILION COUNTIES, IL

STB Docket No. AB-55 (Sub-No. 551X)

CSX TRANSPORTATION, INC. — ABANDONMENT EXEMPTION —  
IN EDGAR AND VERMILION COUNTIES, IL

Decided: January 6, 2000

Consolidated Rail Corporation (CRC) and CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F — Exempt Abandonments and Discontinuances of Service and Trackage Rights to abandon a portion of the Danville Secondary Track between railroad MP 93.00±, at Paris, IL, and railroad MP 122.00±, at Danville, IL, a distance of approximately 29 miles in Edgar and Vermilion Counties, IL. The notice of exemption was filed on June 23, 1997.<sup>1</sup> In CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company — Control and Operating Leases/Agreements — Conrail Inc. and Consolidated Rail Corporation, STB Finance Docket No. 33388, Decision No. 12 (STB served July 23, 1997) (CSX/NS/CR No. 12), slip op. at 22, which was published in the Federal Register on July 23, 1997, at 62 FR 39577-91, the Board accepted for consideration the primary application and related proceedings, and the related abandonment proposals.

In Decision No. 89, served July 23, 1998, in the STB Finance Docket No. 33388 proceeding (CSX/NS/CR No. 89), the Board authorized the exemption in STB Finance Docket Nos. AB-167 (Sub-No. 1181X) and AB-55 (Sub-No. 551X),<sup>2</sup> and, provided no offer of financial

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<sup>1</sup> The notice of exemption in STB Docket Nos. AB-167 (Sub-No. 1181X) and AB-55 (Sub-No. 551X) was filed in conjunction with the railroad control application docketed as STB Finance Docket No. 33388.

<sup>2</sup> Decision No. 89 modified the notice of exemption to implement interim trail use/rail banking for 180 days commencing from July 23, 1998, and granted the request for a public use condition for a period of 180 days from August 22, 1998, in these abandonment proceedings.

assistance was received by August 21, 1998,<sup>3</sup> the Board ordered that the exemption would be effective on Day One, which was June 1, 1999, unless stayed pending reconsideration.<sup>4</sup> Ordering paragraph 76 in CSX/NS/CR No. 89, slip op. at 182-83, stated that, if consummation has not been effected by CRC's and CSXT's filing of a notice of consummation by July 24, 1999, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire. The decision further indicated that, because the exemptions in these abandonment proceedings will not be effective until Day One, under 49 CFR 1152.29(e)(2), CRC and CSXT may file a request for an extension of time to file a notice of consummation so long as they do so sufficiently in advance of the deadline for notifying the Board of consummation to allow for timely processing.

In Consolidated Rail Corporation — Abandonment Exemption — In Edgar and Vermilion Counties, IL, STB Docket No. AB-167 (Sub-No. 1181X), and CSX Transportation, Inc. — Abandonment Exemption — In Edgar and Vermilion Counties, IL, STB Docket No. AB-55 (Sub-No. 551X), (STB served June 28, 1999), the Board granted CRC's and CSXT's request filed June 16, 1999, to extend an additional 6 months, or until January 24, 2000, the time to file a notice of consummation in these dockets. The decision also stated that, as indicated in 49 CFR 1152.29(e)(2), CRC and CSXT may file an additional request for an extension of time to file a notice of consummation so long as they do so sufficiently in advance of January 24, 2000, to allow for timely processing.

On December 16, 1999, CRC and CSXT filed a subsequent request to extend an additional 6 months, or until July 24, 2000, the time to file a notice of consummation in these proceedings. According to CRC and CSXT, this additional time is needed because there have been recent developments concerning the potential for freight traffic to be generated over this line segment, and CSXT requires additional time to fully evaluate this potential.

CRC and CSXT have shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in these proceedings. Accordingly, the request will be granted.

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

It is ordered:

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<sup>3</sup> The Board did not receive any offers of financial assistance in these abandonment proceedings.

<sup>4</sup> The Board did not receive any petitions to stay the exemptions in these abandonment proceedings.

STB Docket No. AB-167 (Sub-No. 1181X), et al.

1. CRC's and CSXT's request for an additional 6-month extension of time to exercise the abandonment authority is granted. With respect to the abandonment exempted in STB Docket Nos. AB-167 (Sub-No. 1181X) and AB-55 (Sub-No. 551X), if consummation has not been effected by the filing of a notice of consummation by July 24, 2000, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire. If any legal or regulatory barrier to consummation exists as of July 24, 2000, the notice of consummation must be filed not later than 60 days after satisfaction, expiration, or removal of the legal or regulatory barrier.

2. As indicated in 49 CFR 1152.29(e)(2), CRC and CSXT may file an additional request for an extension of time to file a notice of consummation so long as they do so sufficiently in advance of July 24, 2000, to allow for timely processing.

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary