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SERVICE DATE - AUGUST 13, 2003

SURFACE TRANSPORTATION BOARD

STB Ex Parte No. 647

CLASS EXEMPTION FOR EXPEDITED ABANDONMENT PROCEDURE
FOR CLASS II AND CLASS III RAILROADS

Decided: August 7, 2003

On May 15, 2003, sixty-five short-line and regional carriers (petitioners)¹ filed a petition to institute a proceeding under 49 U.S.C. 10502 to exempt a class of small carriers from the prior approval abandonment requirements of 49 U.S.C. 10903. Petitioners included a detailed proposal including revised rules for 49 CFR 1152.50 (exempt abandonments) and 1152.27 (offers of financial assistance).

¹ The sixty-five carriers are: Allegheny & Eastern Railroad, Inc.; Bradford Industrial Rail, Inc.; Buffalo & Pittsburgh Railroad, Inc.; Carolina Coastal Railway, Inc.; Commonwealth Railway, Inc.; Chicago SouthShore & South Bend Railroad; Chattahoochee & Gulf Railroad Co., Inc.; Connecuh Valley Railroad Co., Inc.; Corpus Christi Terminal Railroad, Inc.; The Dansville & Mount Morris Railroad Company; Eastern Idaho Railroad, Inc.; Genesee & Wyoming Railroad Company; Golden Isles Terminal Railroad, Inc.; H&S Railroad Co., Inc.; Illinois Indiana Development Company, LLC; Illinois & Midland Railroad Company, Inc.; Kansas & Oklahoma Railroad, Inc.; Knoxville & Holston River Railroad Co., Inc.; Lancaster and Chester Railway Company; Laurinburg & Southern Railroad Co., Inc.; Louisiana & Delta Railroad, Inc.; Louisville & Indiana Railroad Company; Minnesota Prairie Line, Inc.; Montana Rail Link, Inc.; New York & Atlantic Railway Company; Pacific Harbor Line, Inc.; Palouse River & Coulee City Railroad, Inc.; Pennsylvania Southwestern Railroad, Inc.; Piedmont & Atlantic Railroad Inc.; Pittsburgh & Shawmut Railroad, Inc.; Portland & Western Railroad, Inc.; Rochester & Southern Railroad, Inc.; Rocky Mount & Western Railroad Co., Inc.; St. Lawrence & Atlantic Railroad Company; Salt Lake City Southern Railroad Company; Savannah Port Terminal Railroad, Inc.; South Buffalo Railway Company; South Kansas & Oklahoma Railroad Company; Stillwater Central Railroad; Talleyrand Terminal Railroad, Inc.; Three Notch Railroad Co., Inc.; Timber Rock Railroad, Inc.; Twin Cities & Western Railroad Company; Utah Railway Company; Willamette & Pacific Railroad, Inc.; Wiregrass Central Railroad Company, Inc.; York Railway Company; AN Railway, LLC; Atlantic and Western Railway, Limited Partnership; Bay Line Railroad, LLC; Central Midland Railway; Copper Basin Railway, Inc.; East Tennessee Railway, L.P.; Galveston Railroad, L.P.; Georgia Central Railway, L.P.; The Indiana Rail Road Company; KWT Railway, Inc.; Little Rock & Western Railway, L.P.; M & B Railroad, L.L.C.; Tomahawk Railway, Limited Partnership; Valdosta Railway, L.P.; Western Kentucky Railway, LLC; Wheeling & Lake Erie Railway Company; Wilmington Terminal Railroad, L.P.; and Yolo Shortline Railroad Company.

Pursuant to 49 U.S.C. 10502(b), the Board must determine whether to begin a proceeding to determine whether to exempt a person, class of persons, or a transaction or service from regulation within 90 days of the filing of a petition. Petitioners' filing raises a number of important issues. Therefore, the Board will institute a proceeding under section 10502. However, the Board is not seeking public comment on petitioners' proposal at this time. Instead, as set forth in the notice to be published in the Federal Register under this docket number today, the Board intends to consider this proposal, and any other matters that interested persons may raise regarding the abandonment process generally, at an oral hearing to be held in the fall of this year. While the Board is not now seeking public comment on petitioners' proposal or on the Board's abandonment process in general, the Board will issue a subsequent notice setting forth the details for filing comments on these matters and for participating in the Board's hearing.

It is ordered:

1. Under 49 U.S.C. 10502(b), a proceeding is instituted to consider the issues raised in petitioners' filing.
2. This decision is effective on the date of service.

By the Board, Roger Nober, Chairman.

Vernon A. Williams
Secretary