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SERVICE DATE – APRIL 18, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 682X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN GREENBRIER AND  
FAYETTE COUNTIES, WV

Decided: April 17, 2008

CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 16.7-mile line of railroad on CSXT's Southern Region, Huntington-East Division, Sewell Subdivision, between milepost CAF 27, near Rainelle, and milepost CAF 43.7, near Nallen, in Greenbrier and Fayette Counties, WV. Notice of the exemption was served and published in the Federal Register on April 3, 2008 (73 FR 18322-23). The exemption was scheduled to become effective on May 3, 2008, unless stayed by the Board or a formal expression of intent to file an offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27(c)(2) was filed by April 14, 2008.

On April 1, 2008, Seaside Holdings, Inc. (Seaside) filed a formal expression of intent to file an OFA to purchase CSXT's line proposed for abandonment. This filing automatically stayed the effective date of the exemption for 10 days, until May 13, 2008.<sup>1</sup> In the filing, Seaside requested that CSXT provide it with the information set forth in 49 CFR 1152.27(a), including: the most recent report on the physical condition of the line; CSXT's estimate of the net liquidation value of the line, with supporting data, including but not limited to identification of the parcels of land said to comprise the right-of-way of the rail line which are owned in fee and those which are easement grants; the lengths, weight, date and condition of the relay, reroll and scrap rails and of the other track materials; the number of reusable, landscaping and scrap ties; the removal cost estimates (including the cost of transporting removed materials to point of sale or point of storage for relay use) and any other relevant information; and CSXT's minimum purchase price required to acquire the line.<sup>2</sup>

By petition filed on April 14, 2008, Seaside requested that the time period for it to submit an OFA be tolled, until 10 days after it has received the data requested from CSXT. By letter filed on April 15, 2008, CXST stated that it does not oppose tolling of the effective date of the

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<sup>1</sup> See 49 CFR 1152.27(c)(2)(i).

<sup>2</sup> Seaside simultaneously served the notice of intent on CSXT.

exemption, so long as the information required to be provided to Seaside is limited to the information required by 49 CFR 1152.27(a).<sup>3</sup>

The Board will consider requests to toll the period for filing an OFA when a petitioner has failed to provide a potential offeror with the information necessary to the development of an OFA and that information is not contained in the notice of exemption. See 49 CFR 1152.27(c)(2)(ii)(C). In this case, because the information necessary to formulate an OFA has not been provided, Seaside's request will be granted. However, as properly pointed out by CSXT, this information is limited to the information contained in section 1152.27(a). Accordingly, an OFA will be due 10 days after CSXT notifies the Board in writing that it has provided Seaside with the requested information, and the effective date of the exemption will be extended until 10 days after the due date for the filing of the OFA.

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

It is ordered:

1. The time period for Seaside to file an OFA is tolled, until 10 days after CSXT notifies the Board in writing that it has provided Seaside with the requested information.
2. The effective date of the exemption is postponed until 10 days after the due date for the filing of an OFA.
3. This decision is effective on its service date.

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

Anne K. Quinlan  
Acting Secretary

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<sup>3</sup> CSXT states that responsive information will be forthcoming as soon as the appraisal of the line is completed. The appraisal is expected by June 16, 2008.