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SEC

SERVICE DATE - MARCH 12, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 552X)

CSX TRANSPORTATION, INC.--ABANDONMENT EXEMPTION--IN
RALEIGH COUNTY, WV

STB Docket No. AB-290 (Sub-No. 201X)

NORFOLK AND WESTERN RAILWAY COMPANY--DISCONTINUANCE OF
TRACKAGE RIGHTS EXEMPTION--IN RALEIGH COUNTY, WV

Decided: March 8, 1999

By decision served on March 23, 1998 (March 23 decision), the Board granted an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 for CSX Transportation, Inc. (CSXT), to abandon, and Norfolk and Western Railway Company (N&W) to discontinue trackage rights over, a 6.24-mile line of railroad extending from milepost 0.58 at Beckley Junction to milepost 6.82 at the end of the track at Cranberry, in Raleigh County, WV. In the March 23 decision, the Board also imposed a 180-day public use condition under 49 U.S.C. 10905. The exemption became effective on April 22, 1998.

On May 28, 1998, CSXT filed a letter stating that the line of railroad had been abandoned effective on April 25, 1998, and that the track would not be removed until N&W had discontinued its trackage rights in the related proceeding in STB Docket No. AB-290 (Sub-No. 201X). By decision served on November 25, 1998, the notice of consummation was rejected on the grounds that the existence of N&W's trackage rights over the line and a public use condition¹ are regulatory barriers to consummation, and that, therefore, CSXT's filing could not provide valid notice of the consummation of the proposed abandonment.

On March 3, 1999, CSXT filed a supplemental notice of consummation that included a letter from N&W stating that it has discontinued its trackage rights over the line effective on April 22, 1998. CSXT notes that the public use condition expired on October 19, 1998, and that it fully abandoned the line effective October 20, 1998. In view of N&W's discontinuance of its trackage rights over the line and the expiration of the public use condition, there are no regulatory barriers to consummation, and, accordingly, CSXT's supplemental notice of consummation will be accepted.

¹ The public use condition was in effect at the time CSXT filed the May 28 letter.

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

It is ordered:

1. The supplemental notice of consummation filed on March 3, 1999, is accepted.
2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary