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SERVICE DATE - LATE RELEASE MAY 29, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 579X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN PARKE AND VERMILLION COUNTIES, IN

Decided: May 29, 2001

CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon an approximately 1.17-mile line of its railroad between milepost BD-191.41 at Montezuma and milepost BD-192.58 at Hillsdale in Parke and Vermillion Counties, IN. Notice of the exemption was served and published in the Federal Register on May 26, 2000 (65 FR 34249-50). In the May 26 notice, the Board stated that, if consummation had not been effected by CSXT's filing of a notice of consummation by May 26, 2001, the authority to abandon would automatically expire.

On June 23, 2000, Parke County Redevelopment Commission (PCRC) filed an offer of financial assistance (OFA) to acquire the line pursuant to a donation by CSXT. In a decision served June 28, 2000, PCRC was found to be financially responsible and the effective date of the decision authorizing abandonment was postponed to permit the OFA process to proceed. By decision served July 14, 2000, PCRC was authorized under 49 U.S.C. 10904 to acquire the line by donation and the exemption was dismissed, effective on the date the sale was consummated.

On March 9, 2001, PCRC and Montezuma Grain Company, LLP (MGC) filed a petition to: (1) reopen and vacate all decisions in this proceeding; and (2) reopen the decision served August 19, 1994, in a related proceeding, CSX Transportation, Inc.—Abandonment—Between Bloomingdale and Montezuma, in Parke County, IN, Docket No. AB-55 (Sub-No. 486), and to partially vacate the abandonment certificate. On March 9, 2001, PCRC and MGC also filed a related formal complaint against CSXT for alleged breach of its common carrier obligation, in response to which CSXT filed a motion to dismiss on April 11, 2001. These matters remain pending before the Board.

On May 22, 2001, CSXT filed a request to extend the deadline to consummate the abandonment and to file its notice of consummation in this proceeding until 60 days after the Board has reached a final decision on the petition to reopen and the complaint. CSXT states that because of the procedural complexity of this matter and the pending proceedings, CSXT will be unable to file a notice of consummation by the requisite date. CSXT avers that an extension will allow it to better assess its course of action in view of the Board's forthcoming action in the pending proceedings.

Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings. This request is supported by a reasonable justification and 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:

1. CSXT's request for an extension of time to exercise the abandonment authority for the above-described line is granted.
2. The authority to abandon the line must be exercised on or before 60 days after the Board has reached a final decision on the pending petition to reopen and complaint.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary