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SERVICE DATE - MAY 30, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 569X)

CSX TRANSPORTATION, INC.--ABANDONMENT EXEMPTION--IN GUERNSEY AND  
NOBLE COUNTIES, OH

Decided: May 24, 2000

By decision served on June 4, 1999 (June 4 decision), CSX Transportation, Inc. (CSXT), was granted an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a portion of its Louisville Service Lane, Central Ohio Subdivision, extending from milepost 4.9 near Byesville to milepost 18.23 at the end of the track near Cumberland, a distance of 13.3 miles, in Guernsey and Noble Counties, OH. The exemption was scheduled to become effective on July 4, 1999, unless stayed by the Board or unless a formal offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27(c)(1) was filed by June 14, 1999.

By decision served on June 24, 1999, the time period for filing an OFA for 3.6 miles of the line, between milepost 4.9 and milepost 8.5 in Derwent, was tolled until July 14, 1999, and the effective date of the abandonment exemption as to that segment was postponed until July 24, 1999, to permit the Cambridge-Guernsey County Community Improvement Corporation (CIC) to file an OFA. CIC filed an OFA to purchase the 3.6-mile line segment and the purchase was approved and the petition for exemption with respect to the portion of the line between milepost 4.9 and milepost 8.5 was dismissed effective on the date the sale was consummated. The abandonment exemption for the remaining 9.7 miles of the line between milepost 8.5 and milepost 18.23 became effective, as scheduled, on July 4, 1999.

In the June 4 decision, the Board stated that, if consummation has not been effected by CSXT's filing of a notice of consummation by June 4, 2000, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire. 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. On May 16, 2000, CSXT filed a request to extend for an additional 90 days, until September 2, 2000, the time to consummate the abandonment of the 9.7-mile line segment. It states that it is unable to consummate the abandonment of this segment at the present time but intends to do so in the near future.<sup>1</sup>

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<sup>1</sup> In a letter filed on August 24, 1999, CSXT informed the Board that it was holding the rail assets in place until June 3, 2000, to accommodate the Central Ohio Coal Company whose agent was negotiating with CSXT to purchase the line. In its most recent letter, CSXT does not indicate  
(continued...)

The request to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding 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 9.7-mile line segment is granted.
2. The authority to abandon the 9.7-mile line segment must be exercised on or before September 2, 2000.
3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary

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<sup>1</sup>(...continued)  
whether these negotiations are ongoing.