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SERVICE DATE – LATE RELEASE FEBRUARY 15, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-1000 (Sub-No. 1X)

GEORGIA SOUTHWESTERN RAILROAD, INC.—ABANDONMENT AND
DISCONTINUANCE EXEMPTION—IN HARRIS AND MERIWETHER COUNTIES, GA

Decided: February 15, 2008

By decision served on December 10, 2007, the Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903 the abandonment by Georgia Southwestern Railroad, Inc. (GSWR) of 43 miles of rail line extending between milepost R-12.0 at Florida Rock and milepost R-55.0 at Allie, in Harris and Meriwether Counties, GA (the line), subject to trail use, public use, environmental, and standard employee protective conditions. The exemption was scheduled to become effective on January 9, 2008, unless stayed by the Board or unless an offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27 was filed on or before December 20, 2007.

On December 20, 2007, Kern Valley Railroad Company (KVRC) timely filed an OFA under 49 U.S.C. 10904 and 49 CFR 1152.27(c) to purchase the line. In a decision served on December 21, 2007 (December 21 Decision), KVRC was found financially responsible and the effective date of the exemption authorizing the abandonment was postponed to permit the OFA process to proceed. The December 21 Decision stated that either party could request the Board to establish terms and conditions for the sale if no agreement was reached on or before January 22, 2008. The December 21 Decision further stated that, if no agreement is reached and no request for the Board to establish terms and conditions is submitted by that date, the Board would serve a decision vacating the December 21 Decision and allowing the abandonment exemption to become effective.

The Board's records reveal no subsequent filing. Accordingly, because the Board has not received a request to set terms and conditions or a request to extend the deadline for such a request, the OFA process is now terminated and the prior abandonment exemption will be effective on the service date of this decision, subject to any previously imposed conditions. Because the public use and trail use conditions imposed in the Board's decision served on December 10, 2007, extend for 180 days from the effective date of the abandonment exemption, those conditions will therefore extend until August 13, 2008.

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

It is ordered:

1. This proceeding is reopened.
2. The decision served on December 21, 2007, is vacated to the extent it postponed the effective date of the abandonment exemption to permit the OFA process to proceed.
3. The exemption will become effective on the service date of this decision, subject to the previously imposed conditions.
4. The previously imposed public use and trail use conditions extend until August 13, 2008.
5. This decision is effective on its service date.

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

Anne K. Quinlan
Acting Secretary