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SERVICE DATE - LATE RELEASE MAY 14, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 643X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN LAPORTE, PORTER AND STARKE COUNTIES, IN

Decided: May 14, 2004

By decision and notice of interim trail use or abandonment served on February 20, 2004, the Board granted a petition filed by CSX Transportation, Inc. (CSXT), for an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon an approximately 32.97-mile line of railroad in LaPorte, Porter, and Starke Counties, IN. Before the decision and notice authorizing abandonment became effective, the Town of North Judson (Town) timely filed an offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27(c) to purchase the line.

By decision served on March 4, 2004, the Town was found financially responsible, and the effective date of the decision and notice authorizing abandonment was postponed to permit the OFA process to proceed. Subsequently, the Town filed a request that the Board establish the conditions and the amount of compensation for the sale of the line. Thereafter, in a decision served on April 30, 2004, the Board set the purchase price for the line at \$1,974,041, and established terms for transfer of the line.

By letter filed on May 10, 2004, the Town indicates that it accepts the Board's terms and conditions and acknowledges that it will be bound by them.

When a person offering to purchase a line accepts the terms and conditions set by the Board, the offer is binding. See 49 U.S.C. 10904 and 49 CFR 1152.27(h)(7). Accordingly, the sale will be approved and the petition for exemption will be dismissed.

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

It is ordered:

1. Under 49 U.S.C. 10904, the Town is authorized to acquire the line.

2. Under 49 U.S.C. 10904 and 49 CFR 1152.27(h)(7), the petition for exemption is dismissed, effective on the date the sale is consummated.

3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary