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SEC

SERVICE DATE – AUGUST 12, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34666

COLUMBUS AND GREENVILLE RAILWAY COMPANY–ACQUISITION AND
OPERATION EXEMPTION–LINE OF CITY OF GREENWOOD, MS

Decided: August 11, 2005

On March 23, 2005, Columbus and Greenville Railway Company (C&G), a Class III rail carrier, filed a verified notice of exemption under 49 CFR 1150.41 to acquire from the City of Greenwood (City) and operate approximately 2.99 miles of newly constructed bypass rail line, extending from C&G milepost 113.59 to C&G milepost 116.57, in Leflore County, MS. Notice of the exemption was served and published in the Federal Register (70 FR 20963) on April 22, 2005.

On March 30, 2005, Morris Recycling, Inc. (Morris) filed petitions to stay and to revoke the exemption. Morris pursued discovery, and by decision served on June 23, 2005, the Board instituted a proceeding under 49 U.S.C. 10502(d) to consider Morris' petition to revoke and set a procedural schedule for Morris' supplemental filing and C&G's reply. At the parties' request, the Board served a decision on July 18, 2005, holding this proceeding in abeyance to permit settlement discussions involving Morris, C&G and the City.

By motion filed on August 10, 2005, Morris has sought leave to withdraw its petition to revoke the exemption, stating that Morris, C&G and the City have resolved their differences through settlement discussions. Morris' motion to withdraw its petition to revoke the exemption is granted, and the proceeding is discontinued.

It is ordered:

1. Morris' motion to withdraw its petition to revoke is granted, and this proceeding is discontinued.

2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary