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SERVICE DATE - MARCH 23, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 568X)

CSX TRANSPORTATION, INC.--ABANDONMENT EXEMPTION--  
IN FRANKLIN COUNTY, PA

IN THE MATTER OF AN OFFER OF FINANCIAL ASSISTANCE

Decided: March 22, 1999

By decision and notice of interim trail use or abandonment served on March 9, 1999, the Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903, the abandonment by CSX Transportation, Inc. (CSXT), of a 1.9-mile portion of its line of railroad known as the Baltimore Service Lane, Lurgan Subdivision, extending between milepost BAV-20.5 at 4th Street and milepost BAV-22.4 at Commerce Street in Chambersburg, Franklin County, PA, subject to public use, trail use and standard employee protective conditions. The exemption was scheduled to become effective on April 8, 1999, unless an offer of financial assistance (OFA) was filed on or before March 19, 1999.

On March 12, 1999, Frederick A. Fox, Kaye A. Fox, Frederick Armstrong Fox and Karla M. Fox (the offerors) timely filed an OFA under 49 U.S.C. 10904 and 49 CFR 1152.27 to purchase that portion of the line extending from Main Street northward to South Street (not including that portion of the line that crosses South Street) for \$54,572.00.<sup>1</sup>

An OFA to acquire a line for continued rail service need not be detailed, but an offeror must show that it is financially responsible and that the offer is reasonable. See Conrail Abandonments Under NERSA, 365 I.C.C. 472 (1981).

The offerors have submitted a letter from Farmers & Merchants Trust Company of Chambersburg, dated March 11, 1999, to support the assertion that they have sufficient funds to purchase that portion of the described line. The financial information submitted shows that the offerors are financially responsible.

Because the offerors are financially responsible and have offered financial assistance, the effective date of the decision authorizing abandonment on that portion of the line extending from

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<sup>1</sup> According to the offerors, the offer of \$54,572.00 represents CSXT's estimate of the net liquidation value of that portion of its rail line situated between Main and South Streets, as was indicated to them in a letter from CSXT dated January 27, 1999.

Main Street northward to South Street (not including that portion of the line that crosses South Street) will be postponed.

Any person filing a request to set terms and conditions must pay the requisite filing fee, set forth at 49 CFR 1002.2(f)(26), which currently is \$14,800. An original and 10 copies of the request should be submitted along with the fee, in an envelope bearing the docket number of the proceeding, along with the words "Attention: Application Unit, Request to Set Terms and Conditions" in the lower left hand corner.

Appeals to this decision are governed by 49 CFR 1011.2(a)(7). Any appeal must be filed within 10 days of the service date of this decision and will be heard by the entire Board.

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

It is ordered:

1. The effective date of the exemption authorizing abandonment on that portion of the line extending from Main Street northward to South Street (not including that portion of the line that crosses South Street) is postponed in order to permit the OFA process under 49 U.S.C. 10904 and 49 CFR 1152.27 to proceed.

2. If CSXT and the offerors cannot agree on the purchase price of the line, either party may request the Board to establish the terms and conditions of the purchase on or before April 12, 1999. If no agreement is reached and no request is submitted by that date, the Board will serve a decision vacating this decision and allowing the abandonment exemption to become effective.

3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary