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SEC

SERVICE DATE - DECEMBER 4, 2001

SURFACE TRANSPORTATION BOARD

DECISION

Finance Docket No. 32142

MID ATLANTIC RAILROAD CO., INC.

v.

HORRY COUNTY OF THE STATE OF SOUTH CAROLINA  
AND THE WACCAMAW COASTLINE RAILROAD COMPANY

Decided: November 30, 2001

On August 18, 1992, Mid Atlantic Railroad Co., Inc. (MRR) filed a complaint seeking relief from the practices of respondents, Horry County of the State of South Carolina (Horry County) and the Waccamaw Coastline Railroad Company (WCLR), regarding car interchange at Conway, SC.

In 1993, an Administrative Law Judge (ALJ) ruled on various issues relating to how MRR and WCLR transferred rail cars to each other at the point at which they connected. In Mid Atlantic R. Co., Inc. v. Horry County, SC & WCLR, 10 I.C.C.2d 211 (1994), the Board's predecessor, the Interstate Commerce Commission (ICC), denied the relief requested by MRR, reversed the ALJ's ruling, and remanded the proceeding to the ALJ. By decision served November 14, 1994, the ICC, at the parties' request, held the proceeding in abeyance pending the conclusion of negotiations between the parties on interchange terms and further agency order. The parties were directed to notify the ICC upon conclusion of their negotiations.

In 1995, The Baltimore and Annapolis Railroad Company (B&A), a Class III rail carrier, and successor-in-interest to MRR, acquired most of WCLR's assets, including the track lease, and continued operation of WCLR as a separate division under a series of short term leases from Horry County. Because B&A, MRR's successor, has now acquired WCLR, the other party to the dispute, no interchange issue remains and the basis for the complaint no longer exists. Accordingly, the complaint will be dismissed and the proceeding discontinued.<sup>1</sup>

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

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<sup>1</sup> With the matter settled, B&A recently moved to have the U.S. Court of Appeals for the District of Columbia Circuit dismiss its petition for judicial review related to this proceeding that was pending before that court in Baltimore & Annapolis Railroad Company v. STB, No. 94-1632. The court granted the motion and dismissed the court proceeding on October 31, 2001.

It is ordered:

1. This complaint is dismissed and the proceeding is discontinued.
2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary