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SERVICE DATE - AUGUST 11, 1999
SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 569X)

CSX TRANSPORTATION, INC.--ABANDONMENT EXEMPTION--IN GUERNSEY AND
NOBLE COUNTIES, OH

Decided: August 6, 1999

By decision served on June 4, 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 portion of its Louisville Service Lane, Central Ohio Subdivision, extending from milepost 4.9 near Byesville to milepost 18.23 at the end of the track near Cumberland, a distance of 13.3 miles, in Guernsey and Noble Counties, OH, subject to an environmental condition and standard employee protective conditions.¹ The exemption was scheduled to become effective on July 4, 1999, unless stayed by the Board or unless a formal offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27(c)(1) was filed by June 14, 1999.

On June 14, 1999, the Cambridge-Guernsey County Community Improvement Corporation (CIC) filed a letter notifying the Board that it intended to file an OFA to purchase 3.6 miles of the line between milepost 4.9 and milepost 8.5 in Derwent. Because the Board's revised regulations² no longer provide for a notice of intent to file an OFA in proceedings involving petitions for abandonment exemptions, CIC's letter was treated as a late-filed petition to toll the time period for filing an OFA. By decision served on June 24, 1999, the time period for filing an OFA in this proceeding for the 3.6-mile line segment was tolled until July 14, 1999, and the effective date of the abandonment exemption as to that segment was postponed until July 24, 1999.³

On July 19, 1999, CIC late-filed an OFA to purchase the 3.6-mile line segment between milepost 4.9 and milepost 8.5 for \$93,000. By decision served on July 23, 1999, CIC was found to be financially responsible and the effective date of the decision authorizing abandonment with respect to the part of the line between milepost 4.9 and milepost 8.5 was further postponed to permit the financial assistance process to proceed. The July 23 decision also noted that, on or before August 18, 1999, either party could request that the Board establish terms and conditions for the

¹ Notice of the filing of the petition was published in the Federal Register on March 8, 1999 (64 FR 11084).

² See Abandonment and Discontinuance of Rail Lines and Rail Transportation Under 49 U.S.C. 10903, STB Ex Parte No. 537 (STB served Dec. 24, 1996, and June 27, 1997).

³ The abandonment exemption for the remainder of the line between milepost 8.5 and milepost 18.23 became effective on July 4, 1999.

sale of the line segment if no agreement was reached during negotiations.

By letter filed on August 4, 1999, CSXT advised the Board that the parties have agreed on the purchase price and will advise the Board of the date on which the 3.6-mile line segment is transferred from CSXT to CIC.

When a carrier and a person offering to purchase a line enter into an agreement for continued rail service, the Board is required to approve the transaction and dismiss the petition for exemption. See 49 U.S.C. 10904 and 49 CFR 1152.27(f)(2). Accordingly, the sale of the track between milepost 4.9 and milepost 8.5 will be approved and the petition for exemption with respect to that portion of the line 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 and 49 CFR 1152.27(f)(2), the petition for exemption is dismissed with respect to the part of the line between milepost 4.9 and milepost 8.5 effective on the date the sale is consummated.
2. This decision is effective on its service date.

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

Vernon A. Williams
Secretary