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SERVICE DATE – JUNE 29, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 667X)

CSX TRANSPORTATION, INC.–ABANDONMENT
EXEMPTION–HARLAN COUNTY, KY

IN THE MATTER OF AN OFFER OF FINANCIAL ASSISTANCE

Decided: June 27, 2006

CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 12.56-mile rail line on its Southern Region, Huntington Division-West, Cumberland Valley Subdivision, from milepost OWH-258.5 to the end of the track at milepost OWH-271.06 in Harlan County, KY. Notice of the exemption was served and published in the Federal Register on May 11, 2006 (71 FR 27530-31). The exemption was scheduled to become effective on June 10, 2006, unless stayed by the Board or a formal expression of intent to file an offer of financial assistance (OFA) under 49 U.S.C 10904 and 49 CFR 1152.27(c)(2) was filed by May 22, 2006. On May 23, 2006, and June 8, 2006, Pardee & Curtin Realty LLC (Pardee) and Seaside Holdings, Inc. (Seaside), respectively, late-filed formal expressions of intent to file an offer of financial assistance (OFA) to purchase the entire line. Pardee also requested that CSXT provide it with the financial data and information prescribed in 49 CFR 1152.27(a), including the minimum purchase price required to acquire the line, and traffic, revenue and data necessary to determine the line's net liquidation value (together with supporting data). By decision served June 9, 2006, the proceeding was reopened, Pardee and Seaside's late-filed notices of intent were accepted, and Pardee's request to toll the time period for filing an OFA was granted. The due date for Pardee and Seaside to file an OFA was extended to July 12, 2006, and the effective date of the exemption was further postponed to July 22, 2006.¹

By letter filed on June 16, 2006, Pardee requested the Board to toll the time period for submitting an OFA until July 20, 2006. Pardee states that CSXT has advised that the requested information will not be available until on or about July 10, 2006, and Pardee maintains that 2 days does not provide an adequate amount of time for it to review and evaluate the materials provided by CSXT and to submit its OFA. Pardee adds that CSXT does not oppose the extension request.

¹ The decision served June 9, 2006, also imposed several environmental conditions and a section 106 historic preservation condition.

Under the circumstances, a short extension of the OFA filing deadline is warranted and will be granted. The OFA deadline will be extended until July 20, 2006, and the effective date of the exemption will be postponed until July 30, 2006.

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

It is ordered:

1. The time period for Pardee and Seaside to file an OFA is tolled until July 20, 2006.
2. The effective date of the exemption is further postponed until July 30, 2006.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary