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SERVICE DATE - MARCH 31, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 190X)

NORFOLK SOUTHERN RAILWAY COMPANY
--ABANDONMENT EXEMPTION--
IN FAYETTE COUNTY, AL

IN THE MATTER OF A REQUEST TO SET TERMS AND CONDITIONS

Decided: March 27, 1998

By decision served December 29, 1997, the Board granted the Norfolk Southern Railway Company (NSR) an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a line of railroad known as the Berry-Belk Line, extending from milepost 862.8 at Berry, AL, to milepost 884.9 at or near Belk (Covin), AL, a distance of 22.1 miles in Fayette County, AL. The exemption was scheduled to become effective on January 28, 1998, unless an offer of financial assistance (OFA) under 49 U.S.C. 10904 was filed with NSR and the Board by January 8, 1998.

On January 8, 1998, the City of Fayette, AL (City) filed an OFA to purchase a 7.2-mile segment of the line, from milepost 884.9 to milepost 877.7. By decision served January 13, 1998, the City was found financially responsible, and the effective date of the exemption authorizing abandonment of the segment from milepost 884.9 to milepost 877.7 was postponed to permit the OFA process to proceed. Also, as set out in that decision, the parties were given until February 9, 1998, either to reach an agreement on the purchase price for the line segment or for either party to file a request that the Board establish the terms and conditions of the purchase.

On February 9, 1998, the City filed a request for an extension of the OFA negotiating period for 30 days to allow NSR to compile all necessary information, to allow the City to thoroughly review that information, and to allow the parties to negotiate voluntarily the terms of a possible purchase. By decision served February 12, 1998, the Board granted an exemption under 49 U.S.C. 10502 from the provisions of section 10904(e) and relief from the related regulatory requirements at 49 CFR 1152.27(g) and extended the negotiating period deadline to March 11, 1998.

The Board's records reveal no subsequent filing by either NSR or the City. Accordingly, the decision served January 13, 1998, postponing the effective date of the decision authorizing abandonment of the 7.2-mile segment of rail line will be vacated, and the prior abandonment authorization will be effective on the service date of this decision.

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

It is ordered:

1. The decision served January 13, 1998, is vacated, and the prior abandonment authorization will be effective on the service date of this decision.¹

2. This decision will be effective on its service date.

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

Vernon A. Williams
Secretary

¹ The exemption authorizing abandonment of the remainder of the line became effective on January 28, 1998, as scheduled.