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SERVICE DATE - JULY 14, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 579X)

CSX TRANSPORTATION, INC.--ABANDONMENT
EXEMPTION--IN PARKE AND VERMILLION COUNTIES, IN

IN THE MATTER OF AN OFFER OF FINANCIAL ASSISTANCE

Decided: July 12, 2000

CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon an approximately 1.17-mile line of its railroad between milepost BD-191.41 at Montezuma and milepost BD-192.58 at Hillsdale in Parke and Vermillion Counties, IN. Notice of the exemption was served and published in the Federal Register on May 26, 2000 (65 FR 34249-50). The exemption was scheduled to become effective on June 25, 2000, but a formal expression of intent to file an offer of financial assistance (OFA) was timely filed by the Parke County Economic Redevelopment Commission (PCERC) to purchase the entire line. This automatically stayed the effective date of the exemption for 10 days until July 5, 2000.¹

By decision served June 23, 2000, the proceeding was reopened and the exemption was made subject to several environmental conditions.² Also on June 23, 2000, PCERC timely filed an OFA under 49 U.S.C. 10904 and 49 CFR 1152.27(c) to acquire the entire line pursuant to a donation by CSXT. By decision served June 28, 2000, PCERC was found to be financially responsible, and the effective date of the decision authorizing abandonment was postponed to permit the OFA process to proceed. On July 5, 2000, CSXT informed the Board that it is willing to donate the line to PCERC in accordance with the terms and conditions previously set forth between the parties. By letter filed July 7, 2000, PCERC's counsel has notified the Board that the parties have reached an agreement pursuant to terms and conditions authorized by a representative of CSXT to acquire the entire line by donation.

When a person offering to acquire a line and the carrier enter into an agreement, the Board will approve the agreement and dismiss the abandonment exemption. See 49 U.S.C. 10904 and

¹ See 49 CFR 1152.27(c)(2)(i).

² The June 23 decision also held requests for issuance of a notice of interim trail use and a public use condition in abeyance pending completion of the OFA process. Because the abandonment exemption is being dismissed, these requests are moot.

49 CFR 1152.27(f)(2). Accordingly, the transaction will be approved, and the abandonment exemption 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, PCERC is authorized to acquire the rail line by donation as described above.
2. Under 49 U.S.C. 10904 and CFR 1152.27(f)(2), the abandonment exemption is dismissed, effective on the date the sale is consummated.
3. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams
Secretary