

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-103 (Sub-No. 21X)

THE KANSAS CITY SOUTHERN RAILWAY COMPANY—ABANDONMENT
EXEMPTION—IN WARREN COUNTY, MS

Decided: March 13, 2008

By decision served February 22, 2008, the Board, under 49 U.S.C. 10904(f)(1), set the terms and conditions for Raymond B. English and James Riffin (Riffin) (collectively, Offerors) to jointly purchase 1.9 miles of rail line extending from milepost 225.6 to milepost 227.5 in Vicksburg, Warren County, MS, from The Kansas City Southern Railway Company (KCSR). In the same decision, the Board also set the terms and conditions for Riffin individually to purchase 2.35 miles of the same line extending from milepost 227.5 to milepost 229.85. Pursuant to 49 U.S.C. 10904(f)(2) and 49 CFR 1152.27(h)(7), the Offerors were instructed to notify both the Board and KCSR in writing by March 3, 2008, whether they accept the terms and conditions established by the agency.

On February 26, 2008, the Offerors filed a motion to stay the March 3, 2008 deadline by which they were required to accept the terms and conditions for the forced sale of the line, and sought an opportunity for discovery regarding a bridge that was partially dismantled during the section 10904 process. KCSR opposed that motion. By decision served February 28, 2008, the Board denied the motion.

Under the Board's regulations at 49 CFR 1152.27(h)(7), within 10 days of service of the Board's set-terms decision, the offeror must accept or reject the Board's terms and conditions in writing. On March 3, 2008, the Offerors submitted a filing entitled "Offerors' Acceptance of Terms and Conditions." By filing on March 12, 2008, KCSR asserts that the Offerors' filing was not, in fact, a valid acceptance and asks the Board to issue a decision vacating the prior decision that postponed the effective date of the abandonment exemption. Under 49 CFR 1152.27(h)(7), such a decision ordinarily would be due today (the 20th day after service of the Board's February 22, 2008 set-terms decision). In this case, however, in order to permit further consideration of the parties' filings, the Board intends to serve a decision determining whether to vacate by no later than March 20, 2008.

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

It is ordered:

1. The 20-day deadline for a Board decision under 49 CFR 1152.27(h)(7) is extended until March 20, 2008.
2. This decision is effective on its service date.

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

Anne K. Quinlan
Acting Secretary