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SERVICE DATE - MARCH 22, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 568X)

CSX TRANSPORTATION, INC.--ABANDONMENT EXEMPTION--  
IN FRANKLIN COUNTY, PA

Decided: March 21, 2000

By decision and notice of interim trail use or abandonment served on March 9, 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 1.9-mile portion of its line of railroad known as the Baltimore Service Lane, Lurgan Subdivision, extending between milepost BAV-20.5 at 4th Street and milepost BAV-22.4 at Commerce Street in Chambersburg, Franklin County, PA, subject to public use, trail use and standard employee protective conditions. The March 9, 1999 decision stated that, if consummation has not been effected by CSXT's filing of a notice of consummation by March 8, 2000, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.<sup>1</sup> Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings.

On March 3, 2000, CSXT filed a request to extend, until January 8, 2001, the time to consummate the abandonment and to file its notice of consummation. CSXT states that it is unable to consummate the abandonment of the subject line until Norfolk Southern Railway Company (NSR) completes significant rail and signal improvements and grants CSXT trackage rights over its Hagerstown-to-Shippensburg line. CSXT states that NSR contemplates completing the improvements by the end of the year 2000.

CSXT has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding. Accordingly, the request will be granted.

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<sup>1</sup> Subsequently, on March 12, 1999, Frederick A. Fox, Kaye A. Fox, Frederick Armstrong Fox, and Karla M. Fox (the offerors) filed an offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27 to purchase that portion of the line from Valuation Station 1096+20 (including that portion of the line that crosses Main Street) to Valuation Station 1122+30 (not including that portion of the line that crosses South Street). By decision served on March 23, 1999, the offerors were found to be financially responsible and the effective date of the decision authorizing abandonment on that portion of the line was postponed to permit the OFA process to proceed. In a decision served on May 7, 1999, the offerors were authorized to acquire that portion of the line, and the petition for exemption as to that portion of the line was dismissed effective on the date the sale is consummated.

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

It is ordered:

1. CSXT's request for an extension of time to exercise the abandonment authority is granted.
2. The authority to abandon must be exercised on or before January 8, 2001.
3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary