

30331
DO

SERVICE DATE - JUNE 28, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-167 (Sub-No. 1181X)

CONSOLIDATED RAIL CORPORATION--ABANDONMENT EXEMPTION--
IN EDGAR AND VERMILION COUNTIES, IL

STB Docket No. AB-55 (Sub-No. 551X)

CSX TRANSPORTATION, INC.--ABANDONMENT EXEMPTION--
IN EDGAR AND VERMILION COUNTIES, IL

Decided: June 23, 1999

Consolidated Rail Corporation (CRC) and CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments and Discontinuances of Service and Trackage Rights to abandon a portion of the Danville Secondary Track between railroad MP 93.00±, at Paris, IL, and railroad MP 122.00±, at Danville, IL, a distance of approximately 29 miles in Edgar and Vermilion Counties, IL. The notice of exemption was filed on June 23, 1997.¹ In CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company--Control and Operating Leases/Agreements--Conrail Inc. and Consolidated Rail Corporation, STB Finance Docket No. 33388, Decision No. 12 (STB served July 23, 1997) (CSX/NS/CR No. 12), slip op. at 22, which was published in the Federal Register on July 23, 1997, at 62 FR 39577-91, the Board accepted for consideration the primary application and related proceedings, and the related abandonment proposals.

In Decision No. 89, served on July 23, 1998, in the STB Finance Docket No. 33388 proceeding (CSX/NS/CR No. 89), the Board authorized the exemption in STB Docket Nos. AB-167 (Sub-No. 1181X) and AB-55 (Sub-No. 551X);² and, provided no offer of financial assistance

¹ The notice of exemption in STB Docket Nos. AB-167 (Sub-No. 1181X) and AB-55 (Sub-No. 551X) was filed in conjunction with the railroad control application docketed as STB Finance Docket No. 33388.

² Decision No. 89 modified the notice of exemption to implement interim trail use/rail banking for 180 days commencing from July 23, 1998, and granted the request for a public use condition for a period of 180 days from August 22, 1998, in these abandonment proceedings.

was received by August 21, 1998,³ the Board ordered that the exemption will be effective on Day One, which was June 1, 1999, unless stayed pending reconsideration.⁴ Ordering paragraph 76 in CSX/NS/CR No. 89, slip op. at 182-83, stated that, if consummation has not been effected by CRC's and CSXT's filing of a notice of consummation by July 24, 1999, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire. The decision further indicated that, because the exemptions in these abandonment proceedings will not be effective until Day One, under 49 CFR 1152.29(e)(2), CRC and CSXT may file a request for an extension of time to file a notice of consummation so long as they do so sufficiently in advance of the deadline for notifying the Board of consummation to allow for timely processing.

On June 16, 1999, CRC and CSXT filed a request to extend an additional 6 months, or until January 24, 2000, the time to file a notice of consummation in these dockets. CRC and CSXT state that, on June 1, 1999, CRC's line between Paris and Danville, IL, was transferred to New York Central Lines LLC (NYC), a wholly owned subsidiary of CRC, and that the line is now being operated by CSXT pursuant to an Allocated Assets Operating Agreement between NYC and CSXT. They further state that, because CSXT has only been operating over this line for a short time, it has not had sufficient time to determine if it plans to fully abandon the line, or to retain the line as an integral part of its rail network. CRC and CSXT state that the additional 6 months will give them ample time to determine the best course of action to take with respect to this line segment.

CRC and CSXT have shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in these proceedings. Accordingly, the request will be granted.

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

It is ordered:

1. CRC's and CSXT's request for an extension of time to exercise the abandonment authority is granted. With respect to the abandonment exempted in STB Docket Nos. AB-167 (Sub-No. 1181X) and AB-55 (Sub-No. 551X), if consummation has not been effected by the filing of a notice of consummation by January 24, 2000, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire. If any legal or regulatory barrier to consummation exists as of January 24, 2000, the notice of consummation must be filed not later than 60 days after satisfaction, expiration, or removal of the legal or regulatory barrier.

³ The Board did not receive any offers of financial assistance in these abandonment proceedings.

⁴ The Board did not receive any petitions to stay the exemptions in these abandonment proceedings.

STB Docket No. AB-167 (Sub-No. 1181X), et al.

2. As indicated in 49 CFR 1152.29(e)(2), CRC and CSXT may file an additional request for an extension of time to file a notice of consummation so long as they do so sufficiently in advance of January 24, 2000, to allow for timely processing.

3. This decision shall be effective on the date of service.

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

Vernon A. Williams
Secretary