

32871
DO

SERVICE DATE - LATE RELEASE JUNE 27, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 588X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN POLK AND McMINN
COUNTIES, TN

Decided: June 27, 2002

By decision and notice of interim trail use or abandonment served on April 24, 2002, 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 43.47-mile portion of its line of railroad in the Southern Region, Atlanta Division, Etowah Old Line Subdivision, between milepost OKX 339.00 in Etowah and milepost OKX 382.47 in Copperhill, in McMinn and Polk Counties, TN, subject to environmental, trail use, public use, and employee protective conditions. The exemption was scheduled to become effective on May 24, 2002, but on May 3, 2002, Southeast Local Development Corporation, on behalf of Old Line Coalition (Coalition) (collectively referred to as SLDC) filed an offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27 to purchase the entire 43.47-mile line for \$1,100,000.

By decision served on May 9, 2002, SLDC was found financially responsible and the effective date of the exemption authorizing the abandonment was postponed in order to permit the OFA process under 49 U.S.C. 10904 and 49 CFR 1152.27 to proceed. The decision stated that, if CSXT and SLDC cannot agree on the purchase price of the line, either party may request the Board to establish the terms and conditions of the purchase on or before June 3, 2002, and that, if no agreement is reached and no request is submitted by that date, the Board will serve a decision vacating the May 9 decision and allowing the abandonment exemption to become effective. Subsequently, SLDC filed a request for a 21-day extension of the due date for requests to set terms and conditions, but the Board, by decision served on May 23, 2002, only granted a 14-day extension to June 17, 2002. By decision served on June 14, 2002, the due date was further extended to June 27, 2002, pursuant to a request by SLDC, with which CSXT concurred.

By facsimile received on June 27, 2002, SLDC requests a 14-day extension of the deadline for filing requests for the establishment of terms and conditions. SLDC states that SLDC and CSXT have not been able to conclude an agreement for acquisition of the line and that additional time is needed to determine whether an agreement can be reached. SLDC also states that CSXT does not agree to the requested extension. In order to provide additional time for the parties to reach an agreement, the extension will be granted. Accordingly, the deadline for the parties to request the Board to establish

terms and conditions for the purchase will be extended by 14 days to July 11, 2002.

It is ordered:

1. SLDC's request to extend the June 27, 2002 due date is granted and the deadline is extended by 14 days.
2. If CSXT and SLDC cannot agree on the purchase price, either party may request the Board to establish the terms and conditions of the purchase on or before July 11, 2002.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary