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SERVICE DATE - JULY 10, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-493 (Sub-No. 7X)

TRACK TECH, INC.--ABANDONMENT EXEMPTION--IN ADAIR AND
UNION COUNTIES, IA

Decided: July 9, 1998

By decision served on July 2, 1998, the Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903, the abandonment by Track Tech, Inc. (Track Tech), of a 19.70-mile line of railroad between milepost 1.45 near Creston, and milepost 21.15 at the end of the line in or near Greenfield, in Adair and Union Counties, IA, subject to public use, trail use, environmental, and standard employee conditions.¹ The exemption was scheduled to become effective on August 1, 1998, unless stayed by the Board or unless a formal offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27(c)(1) was filed by July 13, 1998.

On July 2, 1998, Green Valley Chemical Company (Green Valley), with the consent of Track Tech, filed a petition to toll the 10-day period for submitting an OFA for an additional 30 days. Green Valley indicates its intent to file an OFA to acquire a 3-mile portion of the subject right-of-way between milepost 1.45 and milepost 5.45. It states that, on June 29, 1998, it requested Track Tech to provide it with the financial data and information prescribed in 49 CFR 1152.27(a). Green Valley was advised that counsel for Track Tech would be away from the office for a week and that he would provide the information upon his return. Green Valley states that an extension of the 10-day period for filing an OFA is necessary because the requested information will not be provided in time for it to review it to permit the filing of its OFA before July 13, 1998.

Under 49 CFR 1152.27(c)(1)(i)(C), the Board will entertain petitions to toll the 10-day period for filing OFAs when a petitioner has failed to provide a potential offeror with the information necessary to the development of its OFA and if that information is not contained in the petition. Accordingly, the time period for filing an OFA in this proceeding will be tolled until August 12, 1998, and the effective date of the abandonment exemption for that part of the line between milepost 1.45 to milepost 5.45 will be further stayed until September 1, 1998.²

¹ Notice of the filing of the petition was published in the Federal Register on April 6, 1998 (63 FR 16859).

² The exemption for the abandonment of the portion of the line between milepost 5.45 and milepost 21.15 will become effective, as scheduled, on August 1, 1998.

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

It is ordered:

1. The time period for Green Valley to file an OFA is tolled until August 12, 1998.
2. The effective date of the abandonment exemption with respect to that part of the line segment between milepost 1.45 and milepost 5.45 is further stayed until September 1, 1998.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary