

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 55 (Sub-No. 712X)

CSX TRANSPORTATION, INC.—ABANDONMENT
EXEMPTION—IN WHITE COUNTY, IND.

Decided: May 23, 2014

Digest:¹ This decision directs CSX Transportation, Inc. to file an amended petition for exemption addressing issues raised in the filing of Monticello Farm Service, Inc.

By petition filed on February 4, 2014, CSX Transportation, Inc. (CSXT) seeks an exemption under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10903 to abandon approximately 9.67 miles of rail line on its Monticello Industrial Track, Monon Subdivision, between Monon, milepost 0QA 88.33, and Monticello at the end of the track, milepost 0QA 98.00, in White County, Ind. (the Line). Notice of the filing was served and published in the Federal Register on February 24, 2014 (79 Fed. Reg. 10,227).

The Board received a number of letters from Monticello, Ind. residents, businesses, and a local economic development organization opposing the proposed abandonment and stressing the importance of the Line to the area.

The Board also received a letter from Monticello Farm Service, Inc. (MFS), the sole remaining customer on the Line. As pertinent, MFS states that between October 30, 2013, and March 10, 2014, it received 26 shipments of nitrogen fertilizer by rail. This statement calls into question the validity of CSXT's forecast year data and indicates a significant increase in carload traffic over the 13 carloads that CSXT states moved in the base year (October 30, 2012—October 30, 2013). CSXT has indicated that in 2012, when 42 carloads were handled on the Line, the revenues generated from the traffic were not significantly below the costs of operating the Line.² Twenty-six carloads in four and one-half months would annualize to approximately 69 carloads. Therefore, MFS's actual increase in traffic could be material to the Board's analysis. We also note that MFS anticipates rail shipments to be between 90-120 railcars in the 12 months following its March 2014 letter.

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. Policy Statement on Plain Language Digests in Decisions, EP 696 (STB served Sept. 2, 2010).

² Pet. Ex. A, at 12—V.S. Scaggs.

As a result of this new information, we find that CSXT's petition is not complete. CSXT will therefore be directed to file an amended petition that addresses the issues raised by MFS's filing and makes any necessary adjustments to its evidentiary presentation, including its forecast year data. Deadlines for this abandonment exemption proceeding will be based on the date of the amended petition. If the Board issues a decision granting the exemption, offers of financial assistance would be due 10 days after service of that decision. See 49 C.F.R. § 1152.27(b)(2).

It is ordered:

1. CSXT is directed to file an amended petition within 10 days of the service date of this decision.
2. This decision is effective on the service date.

By the Board, Chairman Elliott, Vice Chairman Begeman, and Commissioner Miller.