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SERVICE DATE - JULY 21, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 571X)

CSX TRANSPORTATION, INC.--ABANDONMENT EXEMPTION--  
IN SAGINAW COUNTY, MI

IN THE MATTER OF AN OFFER OF FINANCIAL ASSISTANCE

Decided: July 16, 1999

By a decision served June 18, 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 an approximately 2.29-mile portion of its Detroit Service Lane, Dean Subdivision, between milepost CBE-7.80 and milepost CBE-10.09, in Paines, Saginaw County, MI, subject to standard employee protective conditions and an environmental condition.

Before the decision authorizing abandonment became effective, Mid-Michigan Railroad, Inc. (MMRR) timely filed an offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27(c) to purchase the line. By a decision served July 2, 1999, MMRR was found to be financially responsible, and the effective date of the decision authorizing abandonment was postponed to permit the OFA process to proceed.

By a letter filed July 12, 1999, CSXT's counsel has notified the Board that the parties have agreed on the purchase price for the line of railroad proposed to be abandoned.

When a carrier and a person offering to purchase a line enter into an agreement for continued rail service, the Board is required to approve the transaction and dismiss the abandonment application, or, in this case, the petition for exemption. See 49 U.S.C. 10904 and 49 CFR 1152.27(f)(2). Accordingly, the sale will be approved and the petition for abandonment exemption will be dismissed.

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

It is ordered:

1. Under 49 U.S.C. 10904, MMRR is authorized to acquire the line described above.
2. Under 49 U.S.C. 10904 and 49 CFR 1152.27(f)(2), the petition for an abandonment exemption is dismissed, effective on the date the sale is consummated.

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3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary