

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 659X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–IN ALLEGANY
COUNTY, MD

Decided: September 23, 2005

CSX Transportation, Inc. (CSXT), filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon an 8.54-mile line of railroad on its Southern Region, Huntington Division East, Georges Creek Subdivision, between milepost BAI 27.0 near Morrison and milepost BAI 18.46 at the end of the track near Carlos, in Allegany County, MD. Notice of the exemption was served and published in the Federal Register on August 25, 2005 (70 FR 49974). The exemption was scheduled to become effective on September 24, 2005, unless stayed by the Board or a formal expression of intent to file an offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27(c)(2) was filed by September 2, 2005.

On September 8, 2005, WMS, LLC (WMS), late-filed a formal expression of intent to file an OFA to purchase the entire line. If accepted, this filing will automatically stay the effective date of the exemption for 10 days, until October 4, 2005.¹ Counsel for WMS requests that the Board accept the late-filed notice of intent to file an OFA, explaining that he was only recently retained by WMS. Counsel’s explanation is reasonable, and, because CSXT has not objected, the late-filed notice will be accepted.

Counsel for WMS also requests that the time period for submitting its OFA be tolled for 30 days to enable CSXT to furnish information to WMS and for WMS to evaluate the information and prepare its OFA. By letter filed on September 9, 2005, CSXT states that it agrees to the extension request. The request for an extension of the OFA filing deadline is warranted and will be granted. Accordingly, the due date for WMS to submit an OFA will be extended to October 21, 2005, and the effective date of the exemption will be extended to October 31, 2005.

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

¹ See 49 CFR 1152.27(c)(2)(i).

It is ordered:

1. WMS's late-filed notice of intent to file an OFA is accepted.
2. The time period for WMS to file an OFA is tolled until October 21, 2005.
3. The effective date of the exemption is further postponed until October 31, 2005.
4. This decision is effective on its service date.

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

Vernon A. Williams
Secretary