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SERVICE DATE - NOVEMBER 15, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 581X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN FAYETTE AND RALEIGH COUNTIES, WV

Decided: November 14, 2000

CSX Transportation, Inc. (CSXT) filed a verified notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a line of railroad between milepost CAX0.0, near Mill Creek Junction, and milepost CAX4.8, near Garden Ground, a distance of approximately 4.8 miles, in Fayette and Raleigh Counties, WV (line). Notice of the exemption was served and published in the Federal Register on October 30, 2000 (65 FR 64741).

The notice served on October 30, 2000 establishes that the exemption will be effective November 29, 2000, unless stayed pending reconsideration, or providing that no formal expressions of intent to file an offer of financial assistance (OFA) have been received. The notice also provides that petitions to stay, formal expressions of intent to file an OFA and requests for trail use/rail banking were due by November 9, 2000 and that petitions to reopen or requests for public use conditions are due by November 20, 2000.

In addition, the Board's Section of Environmental Analysis served an environmental assessment (EA) in this proceeding on November 7, 2000. Comments to the EA are due by November 17, 2000.

On November 9, 2000, counsel for CSXT filed a request for an extension of time to file petitions until November 30, 2000. Counsel notes that the West Virginia Rail Authority and the West Virginia Public Service Commission had received late notice of the proposed abandonment pursuant to 49 CFR 1152.50(d)(1).

Good cause exists to grant the extension of time. CSXT will be required to serve a copy of this decision on all persons on whom it served its notice of intent to file the verified notice of exemption pursuant to 49 CFR 1152.50(d)(1) and on the West Virginia Rail Authority within 5 days after the date of service of this decision and to certify to the Board that it has done so.

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

It is ordered:

1. CSXT's request for an extension of time to file petitions is granted.
2. Petitions to stay, formal expressions of intent to file an OFA and requests for trail use/rail banking are due by November 30, 2000.
3. Petitions to reopen or requests for public use conditions are due by December 11, 2000.
4. Comments to the EA are due by December 15, 2000.
5. Provided no formal expressions of intent to file an OFA is received, the effective date of the exemption is postponed until December 29, 2000.
6. CSXT is directed to serve a copy of this decision on all persons on whom it served its notice of intent pursuant to 49 CFR 1152.50(d)(1) and on the West Virginia Rail Authority within 5 days after the date of service of this decision and to certify to the Board that it has done so.
7. This decision is effective on its service date.

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

Vernon A. Williams
Secretary