

29639
DO

SERVICE DATE - OCTOBER 1, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 562X)

CSX TRANSPORTATION, INC.--ABANDONMENT EXEMPTION--IN
ROCKY MOUNT, NASH COUNTY, NC

Decided: September 28, 1998

By decision served on August 11, 1998, 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 a 0.60-mile portion of its Florence Service Lane, North End Subdivision, extending from Valuation Station 4+30 at Falls Road to Valuation Station 36+00 at the end of the track near Earl Street, in Rocky Mount, Nash County, NC, subject to environmental and standard employee protective conditions.¹ The exemption was scheduled to become effective on September 10, 1998, unless stayed by the Board or unless a formal offer of financial assistance (OFA) was filed by August 21, 1998.

On August 21, 1998, New Southern of Rocky Mount, Inc. (NSRM), timely filed an OFA under 49 U.S.C. 10904 and 49 CFR 1152.27(c) to purchase the line for \$17,477.28. By decision served on August 26, 1998, NSRM was found to be financially responsible and the effective date of the decision authorizing abandonment of the line was postponed to permit the financial assistance process to proceed. The August 26 decision also noted that, on or before September 21, 1998, either party could request that the Board establish terms and conditions for the sale of the line if no agreement was reached during negotiations.

By letter filed on September 21, 1998, CSXT advised the Board that CSXT and NSRM have agreed on the purchase price and that they will advise the Board when the transaction is consummated.

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 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 exemption will be dismissed.

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

¹ Notice was published in the Federal Register on May 13, 1998 (63 FR 26675).

It is ordered:

1. Under 49 U.S.C. 10904, NSRM 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 exemption is dismissed effective on the date the sale is consummated.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary