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SERVICE DATE - SEPTEMBER 21, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-493 (Sub-No. 7X)

TRACK TECH, INC.--ABANDONMENT EXEMPTION--IN ADAIR AND
UNION COUNTIES, IA

Decided: September 16, 1998

By decision served on July 2, 1998, the Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903, the abandonment by Track Tech, Inc. (Track Tech), of a 19.70-mile line of railroad between milepost 1.45 near Creston, and milepost 21.15 at the end of the line in or near Greenfield, in Adair and Union Counties, IA, subject to public use, trail use, environmental, and standard employee conditions.¹ The exemption was scheduled to become effective on August 1, 1998, unless stayed by the Board or unless a formal offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27(c)(1) was filed by July 13, 1998.

On July 2, 1998, Green Valley Chemical Company (Green Valley), with the consent of Track Tech, filed a petition to toll the 10-day period for submitting an OFA for the portion of the line between milepost 1.45 and milepost 5.45 for an additional 30 days. By decision served July 10, 1998, the time period for Green Valley to file an OFA was tolled until August 12, 1998, and the effective date of the abandonment exemption with respect to the part of the line between milepost 1.45 and milepost 5.45 was further stayed until September 1, 1998.

On August 12, 1998, Green Valley timely filed an OFA under 49 U.S.C. 10904 and 49 CFR 1152.27(c) to purchase the track between milepost 1.45 and milepost 5.45 for \$83,000. By decision served on August 17, 1998, Green Valley was found to be financially responsible and the effective date of the decision authorizing abandonment with respect to the part of the line between milepost 1.45 and milepost 5.45 was further postponed to permit the financial assistance process to proceed. The August 17 decision also noted, that on or before September 11, 1998, either party could request that the Board establish terms and conditions for the sale of the line segment if no agreement was reached during negotiations.

By letter filed on September 11, 1998, Green Valley advised the Board that Green Valley and Track Tech have reached a final agreement for the purchase of the track between milepost 1.45 and milepost 5.45. Green Valley, with the consent of Track Tech, requests that the Board approve the purchase and issue an order dismissing the exemption with respect to the part of the line between milepost 1.45 and milepost 5.45.

¹ Notice of the filing of the petition was published in the Federal Register on April 6, 1998 (63 FR 16859).

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 of the track between milepost 1.45 and milepost 5.45 will be approved and the petition for exemption with respect to that portion of the line 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 and 49 CFR 1152.27(f)(2), the petition for exemption is dismissed with respect to the part of the line between milepost 1.45 and milepost 5.45 effective on the date the sale is consummated.
2. This decision is effective on its service date.

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

Vernon A. Williams
Secretary