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SERVICE DATE - JANUARY 30, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 619X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—  
IN ALLEGAN COUNTY, MI

IN THE MATTER OF AN OFFER OF FINANCIAL ASSISTANCE

Decided: January 27, 2003

By decision served on November 29, 2002 (November 2002 decision), 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 its 6.1-mile line of railroad in the Western Region, known as the Chicago Division, Grand Rapids Subdivision, Hamilton Industrial Track, extending from milepost CGB 19.00 in Holland, to milepost CGB 12.90 in Hamilton, Allegan County, MI, subject to a public use condition and standard employee protective conditions. The exemption was scheduled to become effective on December 29, 2002, unless an offer of financial assistance (OFA) was filed on or before December 9, 2002.

On December 9, 2002, Hamilton Farm Bureau (the offeror) timely filed an OFA under 49 U.S.C. 10904 and 49 CFR 1152.27 to purchase the line. By decision served on December 13, 2002 (December 2002 decision), the effective date of the exemption authorizing the abandonment was postponed in order to permit the OFA process to proceed. The December 2002 decision stated that, if CSXT and the offeror could not agree on the purchase price, either party may request the Board to establish the terms and conditions of the purchase on or before January 8, 2003.

By letter filed January 8, 2003, the offeror seeks to withdraw its OFA, and, as a result of such withdrawal, states that it will not file a request for the establishment of terms and conditions of the purchase.<sup>1</sup> Accordingly, the OFA process will be terminated, and the December 2002 decision will be vacated to permit the prior abandonment authorization to become effective on the service date of this decision.

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

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<sup>1</sup> The offeror states that it is investigating acquisition of the line outside of the OFA process.

It is ordered:

1. The OFA process in this proceeding is terminated.
2. The decision served on December 13, 2002, is vacated to the extent it postponed the effective date of the abandonment exemption to permit the OFA process to proceed. The prior abandonment exemption will be effective on the service date of this decision, subject to the conditions imposed in the November 29, 2002 decision.
3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary