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SERVICE DATE - MAY 7, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 568X)

CSX TRANSPORTATION, INC.--ABANDONMENT EXEMPTION--  
IN FRANKLIN COUNTY, PA

Decided: May 3, 1999

By decision and notice of interim trail use or abandonment served on March 9, 1999, 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 1.9-mile portion of its line of railroad known as the Baltimore Service Lane, Lurgan Subdivision, extending between milepost BAV-20.5 at 4th Street and milepost BAV-22.4 at Commerce Street in Chambersburg, Franklin County, PA, subject to public use, trail use and standard employee protective conditions. The exemption was scheduled to become effective on April 8, 1999, unless an offer of financial assistance (OFA) was filed on or before March 19, 1999.

On March 12, 1999, Frederick A. Fox, Kaye A. Fox, Frederick Armstrong Fox and Karla M. Fox (the offerors) timely filed an OFA under 49 U.S.C. 10904 and 49 CFR 1152.27 to purchase a portion of the line extending from Main Street northward to South Street (not including that portion of the line that crosses South Street) for \$54,572.00. By decision served March 23, 1999, the offerors were found to be financially responsible and the effective date of the decision authorizing abandonment on that portion of the line was postponed to permit the financial assistance process to proceed. The March 23 decision also noted that, on or before April 12, 1999, either party could request that the Board establish terms and conditions for the sale of the specified portion of the line if no agreement was reached during negotiations.

By letter filed April 9, 1999, CSXT advised the Board that CSXT and the offerors have agreed on \$54,572.00 as the purchase price.<sup>1</sup> CSXT states that the sale will not be consummated until after CSXT has begun rerouting the overhead traffic which currently moves over this line to the Conrail main line east of Chambersburg, and that they will promptly advise the Board when the transfer has been concluded. By letter filed April 22, 1999, the offerors confirm the agreement with CSXT.

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<sup>1</sup> CSXT further identifies the portion of the line to be purchased as extending from Valuation Station 1096+20 (including that portion of the line that crosses Main Street) to Valuation Station 1122+30 (not including that portion of the line that crosses South Street).

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 for the above-described portion of the line will be dismissed.

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

It is ordered:

1. Under 49 U.S.C. 10904, the offerors are authorized to acquire that portion of the line from Valuation Station 1096+20 (including that portion of the line that crosses Main Street) to Valuation Station 1122+30 (not including that portion of the line that crosses South Street).

2. Under 49 U.S.C. 10904 and 49 CFR 1152.27(f)(2), the petition for exemption for that portion of the above-described line 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