

STB Docket No. AB-55 (Sub No. 618)

CSX TRANSPORTATION, INC. – DISCONTINUANCE –
AT MEMPHIS, IN SHELBY COUNTY, TN

Statement of Christopher Oehrle, Staff Attorney, Office of Proceedings

Good morning Chairman Nober and Commissioner Morgan.

The decision submitted for your consideration denies Bolen-Brunson-Bell Lumber Company Inc.'s petition to reopen a decision in which the Board granted CSX Transportation, Inc.'s application to discontinue service over a rail line in the Memphis, TN area.

The line extends 1.1 miles and traverses an 80-year old, arson-damaged bridge. It serves only one shipper, BBB, which operates a transload facility. Due to the bridge's condition, the railroad has maintained an embargo on the line since March 2001. The parties had previously submitted widely divergent cost estimates to repair the bridge.

The draft decision explains that BBB has not submitted any new evidence or demonstrated material error that would justify reopening the prior decision. The draft decision affirms that the railroad's bridge repair cost estimates are superior to BBB's estimate, given the more complete method of inspection used by the railroad, the extent of the damage to the bridge, its outdated design, and the need for the bridge to be replaced in any event in the near future. The draft decision also affirms the Board's findings that BBB has transportation alternatives available, and that it failed to support its claim of harm that would result from the discontinuance.

This concludes my statement. If you have questions, we would be happy to answer them.