

SERVICE DATE — AUGUST 7, 2020

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1272X

CENTRAL TEXAS & COLORADO RIVER RAILWAY, LLC—ABANDONMENT
EXEMPTION—IN MCCULLOCH, SAN SABA, MILLS, AND LAMPASAS COUNTIES,
TEX.

Decided: August 7, 2020

On August 9, 2019, Central Texas & Colorado River Railway, LLC (CTXR), a Class III rail carrier, filed with the Board a petition under 49 U.S.C. § 10502 for exemption from the prior approval requirements of 49 U.S.C. § 10903 to abandon a railroad line covering approximately 67.5 miles of track in McCulloch, San Saba, Mills, and Lampasas Counties, Tex. (the Line), which constitutes CTRX's entire railroad system. Notice of CTRX's petition was served and published in the Federal Register on August 29, 2019 (84 Fed. Reg. 45,618).

At the request of CTRX, this proceeding was held in abeyance from November 5, 2019 through July 20, 2020, pursuant to orders issued on November 5, 2019, February 14, 2020, and May 20, 2020.¹ Those orders required CTRX to file status reports. In its July 20, 2020 status report, CTRX states that it does not seek continued abeyance of this proceeding. (CTRX Status Report 1, July 20, 2020.) CTRX also states that it “withdraws its request . . . for authority to abandon its entire system, and instead limits its [p]etition, going forward, to a request to be relieved of its common carrier obligation under authorization to discontinue common carrier service.” (Id. at 3.)

In a July 21, 2020 response, the Brady Line Shipper Group (Shipper Group)² states that “CTRX should have requested leave from the Board for withdrawal of abandonment relief and replacement of discontinuance relief.” (Shipper Group Request 1, July 21, 2020). The Shipper Group also requests an opportunity to comment on CTRX's requested relief. (Id.)

¹ On July 9, 2020, the Board denied an appeal of the May 20 order holding the proceeding in abeyance.

² The Shipper Group is an association of active users of the rail service provided by CTRX—specifically, The J.C. Smith Co., P.W. Gillibrand Co. of Texas Inc., and Jacoby and Jacoby, Inc. On September 9, 2019, in response to CTRX's petition, the Shipper Group and the North Central Railcorp, Inc., a noncarrier, filed formal expressions of intent to file offers of financial assistance. Both entities were deemed to be preliminarily financially responsible. See 49 C.F.R. § 1152.27(c)(1)(ii).

Any interested party may file comments regarding CXTR's request to withdraw its request for authority to abandon and instead limit its petition to authority to discontinue by August 24, 2020.

It is ordered:

1. Comments are due by August 24, 2020.
2. This decision is effective on its service date.

By the Board, Allison C. Davis, Director, Office of Proceedings.