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SERVICE DATE - NOVEMBER 21, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 596X)

CSX TRANSPORTATION, INC.–ABANDONMENT
EXEMPTION–IN LORAIN COUNTY, OH

Decided: November 15, 2002

CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 1.17-mile line of railroad between milepost BH-161.00 and milepost BJ-162.17 in Lorain, Lorain County, OH. Notice of the exemption was served and published in the Federal Register on August 24, 2001 (66 FR 44664-65). In the August 24, 2001 notice, the Board stated that, if consummation has not been effected by CSXT's filing of a notice of consummation by August 24, 2002, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.¹ Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings. On August 5, 2002, CSXT filed such an extension request. By decision served August 16, 2002, the due date for filing a notice of consummation was extended to November 25, 2002.

On November 13, 2002, CSXT requested a further extension, until January 24, 2003, of the deadline for consummation of the abandonment and for its filing of the notice of consummation. The request will be granted.

¹ By decision served September 24, 2001, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to the condition that CSXT retain its interest in the line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f. By decision served May 15, 2002, the section 106 historic preservation condition was removed. The September 24 decision also imposed a National Geodetic Survey (NGS) condition that required CSXT to consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic marker in order to plan for its relocation. That condition remains in effect.

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

It is ordered:

1. CSXT's request for an extension of time to exercise the abandonment authority is granted.
2. The authority to abandon must be exercised on or before January 24, 2003.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary