

SERVICE DATE - FEBRUARY 25, 1997

SURFACE TRANSPORTATION BOARD¹

DECISION

Docket No. AB-55 (Sub-No. 519X)

CSX TRANSPORTATION, INC.
--ABANDONMENT EXEMPTION--
IN ORANGE COUNTY, FL

Decided: February 24, 1997

On December 18, 1995, CSX Transportation, Inc. (CSXT) filed a petition seeking an exemption under 49 U.S.C. 10505 from the prior approval requirements of 49 U.S.C. 10903-04 to abandon a 0.69-mile line of railroad between Highland Street (milepost ST-815.88 at the point of switch of the branch main line) and Virginia Avenue (milepost ST-816.57 at the end of track) in Orlando, Orange County, FL. Central Florida Lumber and Supply Company, d/b/a Mills & Nebraska Company, Industrial Equipment and Engineering Company, and Seacoast Supply Company filed in opposition to the petition.

By decisions served May 24, 1996, and December 17, 1996, the Board directed CSXT and the protesting shippers to submit supplemental information in response to a series of specific questions to enable the Board to evaluate the merits of this abandonment exemption proposal. By decisions served December 27, 1996, and January 28, 1997, CSXT was granted extensions of time to file its evidence.

By letter filed February 19, 1997, CSXT states that it has determined that it is in its best interest to withdraw the petition for exemption and requests permission from the Board to do so. The request will be granted and the proceeding will be dismissed.

It is ordered:

1. This proceeding is dismissed.
2. CSXT shall serve a copy of this decision on all affected shippers within 5 days after the service date of this decision and certify to the Board that it has done so.

¹ The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (the ICCTA), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Surface Transportation Board (Board). Section 204(b)(1) of the ICCTA provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the ICCTA. This decision relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10903. Therefore, this decision applies the law in effect prior to the ICCTA, and citations are to the former sections of the statute, unless otherwise indicated.

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3. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary