

SERVICE DATE - APRIL 17, 1997
SURFACE TRANSPORTATION BOARD
DECISION

STB Docket No. AB-43 (Sub-No. 163)

ILLINOIS CENTRAL RAILROAD COMPANY--ABANDONMENT--
BETWEEN ABERDEEN JUNCTION AND KOSCIUSKO,
IN HOLMES AND ATTALA COUNTIES, MS

Decided: April 15, 1997

By a decision served and notice published in the *Federal Register* (62 FR 2711) on January 17, 1997, the Board found that the public convenience and necessity permitted abandonment by Illinois Central Railroad Company (Illinois Central) of its 21.70-mile rail line between milepost H-0.20 at Aberdeen Junction and milepost H-21.90 at Kosciusko, in Holmes and Attala Counties, MS, subject to conditions. Before the decision authorizing abandonment became effective, the Mississippi Department of Transportation (MSDOT) timely filed an offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27(c) to purchase the line.

By a decision served on January 31, 1997, MSDOT, a governmental entity, was found financially responsible, and the effective date of the decision authorizing abandonment was postponed to permit the OFA process to proceed. Subsequently, as no agreement was reached, MSDOT filed a request that the Board establish the conditions and amount of compensation for the sale of the line, to which Illinois Central replied. Thereafter, in a decision served March 28, 1997, the Board set the purchase price for the line at \$918,963, and established terms for transfer of the line.

By a letter filed April 7, 1997, MSDOT indicates that it accepts the Board's terms and conditions and that it will purchase Illinois Central's interest in the line.

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 abandonment application. See 49 U.S.C. 10904 and 49 CFR 1152.27(f)(2). Accordingly, the sale will be approved and the application will be dismissed.

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

It is ordered:

1. Under 49 U.S.C. 10904, MSDOT is authorized to acquire the rail line described above.
2. Under 49 U.S.C. 10904 and 49 CFR 1152.27(f)(2), the application 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