

Voting Conference, July 27, 2005

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CSX Transportation, Inc.—Abandonment Exemption—  
In Franklin County, PA  
STB Docket No. AB-55 (Sub-No. 568X)

Chairman Nober, Vice Chairman Buttrey, Commissioner Mulvey, good morning.

This case involves three-tenths of a mile of a segment of a longer CSX line in Chambersburg, PA. This segment, extending from milepost 20.5 to milepost 20.8, has been referred to in prior decisions in this proceeding as Segment 1.

In a decision served March 9, 1999, the Board exempted the abandonment of the entire line, subject to various conditions. The decision provided, among other things, that the OFA filing deadline would be March 19, 1999.

More than 4 years later, New Franklin Properties and certain affiliated individuals filed petitions seeking the right to file an OFA for Segment 1. In a decision served July 8, 2004, the petitions were denied.

Now, by petition filed March 1, 2005, New Franklin Properties has again requested that it be allowed to file an OFA for Segment 1. Replies in opposition have been filed by CSX and the Borough of Chambersburg.

We recommend that the petition be denied. The deadlines provided for in the OFA statute are intended to protect the owning railroad, which in this case is CSX. Consistent with the statutory intent, the OFA deadlines can be extended when the owning railroad does not object, but, here, CSX does object, so the OFA filing deadline should not be extended.

We would be happy to take any questions.