

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 568X)

CSX TRANSPORTATION, INC. — ABANDONMENT EXEMPTION —
IN FRANKLIN COUNTY, PA

Decided: September 17, 2003

On August 15, 2003, Frederick A. Fox, Kaye A. Fox, and Frederick Armstrong Fox (collectively, the Foxes) filed a petition seeking Board acceptance of an amended offer of financial assistance (OFA), or, alternatively, seeking reopening of the decision served March 9, 1999, to permit the filing of a new OFA, nunc pro tunc. On September 11, 2003, the Foxes also filed a motion for an order staying the right of CSX Transportation, Inc. (CSXT), to exercise its abandonment authority for the 4th Street-to-Main Street segment of its line (this is the approximately 0.3-mile segment that runs from 4th Street at milepost BAV-20.5 to Main Street at Valuation Station 1096+20). On September 12, 2003, the Borough of Chambersburg filed two replies (one to the petition, the other to the motion).

To permit the orderly consideration of the arguments raised, it would be appropriate to preserve the status quo to give the Board time to consider these filings. CSXT will therefore be ordered not to consummate the abandonment of the 4th Street-to-Main Street segment pending further order of the Board or to take, pending further order of the Board, any action that would alter the present status of that segment.

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

It is ordered:

1. Pending further order of the Board, CSXT shall not consummate the abandonment of the 4th Street-to-Main Street segment and shall take no action that would alter the present status of that segment.

2. This decision is effective on the service date.

By the Board, Roger Nober, Chairman.

Vernon A. Williams
Secretary