

SURFACE TRANSPORTATION BOARD DISMISSES "CSXT" RAIL LINE ABANDONMENT IN ROCKY MOUNT, N.C.

Surface Transportation Board (Board) Chairman Linda J. Morgan announced today that the Board has granted the motion of the City of Rocky Mount, North Carolina (the City) for the dismissal of a CSXT Transportation, Inc. (CSXT) rail line abandonment petition for exemption (from regulation) granted by the Board in 1998. The Board granted the City's motion because the track at issue is an "exempt spur." [FOOTNOTE 1: A section of track off a main track leading, for example, to a shipper's facility. Spurs also are used by railroads to load or unload rail cars at a facility, to store cars, etc. Operations on such track sections are exempt from regulation.] The Board made the jurisdictional finding at the request of the City, which plans to use a portion of the right-of-way to revitalize its downtown area. The City sought, and was given, expedited handling of its motion in order to accommodate its Imperial Centre development project.

In its motion to dismiss, the City provided a detailed and well-documented history of the 0.60-mile track which was built in 1889 for Rocky Mount Mills to connect its cotton mill with a side track and main line of a CSXT predecessor. In addition to being built to serve only one shipper, the track has all the physical characteristics of an exempt spur and has always been used in that manner. Although CSXT questioned the timing of the filing of the City's motion, the Board considered and granted the motion under the rule that questions of jurisdiction may be raised at any time. The Board also vacated all previous decisions in this case, which had the effect of ending the financial-assistance process under which New Southern of Rocky Mount, Inc., another party to this proceeding, was attempting to purchase the track.

The Board's decision in *CSX Transportation, Inc.--Abandonment Exemption--In Rocky Mount, Nash County, NC*, STB Docket No. AB-55 (Sub-No. 562X), was issued on December 1, 1999. The text of the decision is available on the Board's website at www.stb.dot.gov.

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