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SERVICE DATE – AUGUST 21, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 664X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–  
IN ANDERSON COUNTY, SC

Decided: August 18, 2006

On August 14, 2006, Western Carolina Railway Service Corporation (WCRS), pursuant to 49 CFR 1104.14, filed a motion for protective order and motion for expedited handling in the above captioned proceeding. WCRS seeks a protective order to file under seal certain confidential documents and information in connection with their forthcoming offer of financial assistance (OFA) in this proceeding. WCRS states that it intends to submit an OFA on or before August 25, 2006, and therefore seeks expedited handling of its motion for protective order.

By petition filed on April 28, 2006, CSX Transportation, Inc. (CSXT), sought an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a 12.74-mile line of railroad, between milepost AKL 26.26, near Belton, the end of the line, and milepost AKL 39.00, near Pelzer, on the Southern Region, Florence Division, Belton Subdivision, in Anderson County, SC.

In a decision served on August 15, 2006, the Board denied CSXT's petition for exemption without prejudice after concluding that CSXT had not met the criteria in 49 U.S.C. 10502.

In light of the Board's denial of CSXT's petition for exemption, the motions filed by WCRS will be dismissed as moot.

It is ordered:

1. WCRS's motion for protective order and motion for expedited handling are dismissed as moot.

2. This decision is effective on the date of service.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary