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SERVICE DATE – NOVEMBER 9, 2023

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36727¹

CSX TRANSPORTATION, INC.—ACQUISITION AND OPERATION—RAIL LINE OF
MERIDIAN & BIGBEE RAILROAD, L.L.C.

Decision No. 2

Decided: November 9, 2023

By decision served November 3, 2023, the Board accepted for consideration the application filed October 6, 2023, by CSX Transportation Inc. (CSXT), seeking Board approval for CSXT to acquire from Meridian & Bigbee Railroad, L.L.C. (MNBR), and operate certain rail line between Burkville, Ala., and Myrtlewood, Ala.² The Board also directed CSXT to supplement its Application with certain additional information and set forth a procedural schedule.

Due to a delay in the publication of the Board's decision in the Federal Register,³ the procedural schedule will be updated as shown in the Appendix to this decision.

It is ordered:

1. The procedural schedule for this proceeding is updated as shown in the Appendix to this decision.

¹ This decision embraces the following dockets: Alabama & Gulf Coast Railway—Trackage Rights Exemption—CSX Transportation, Inc., Docket No. FD 36724; Meridian & Bigbee Railroad—Discontinuance of Incidental Overhead Trackage Rights—in Lowndes & Montgomery Counties, Ala., Docket No. AB 1335X.

² The Board also accepted for consideration the related filing in Docket No. FD 36724. The Board further noted that the verified notice of exemption filed in Docket No. AB 1335X does not qualify for the class exemption procedures under which it was filed; however, the Board accepted the verified notice as evidence bearing on consideration of whether to grant an individual exemption on the Board's own motion.

³ The Board's decision was published in the Federal Register on November 9, 2023 (88 Fed. Reg. 77,403).

2. This decision is effective on November 9, 2023.

Decided: November 9, 2023.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

APPENDIX

PROCEDURAL SCHEDULE

October 6, 2023	Application filed.
November 3, 2023	Board notice of acceptance of application served.
November 21, 2023	Applicants' supplemental information due.
November 27, 2023	Notices of intent to participate in this proceeding due.
December 11, 2023	All comments, protests, requests for conditions, and any other evidence and argument in opposition to the application, including filings of DOJ and DOT, due.
January 8, 2024	Responses to comments, protests, requests for conditions, and other opposition due. Rebuttal in support of the application due.
TBD	Record closes.
No later than 45 days after close of the record	Date by which a final decision will be served. ⁴
30 days after service	Board's decision becomes effective.

⁴ Under 49 U.S.C. 11325(d)(2), the Board must issue its final decision within 45 days of the close of the evidentiary record. However, under NEPA, the Board may not issue a final decision until after the required environmental review is complete. In the event the environmental review process is not able to be concluded in sufficient time for the Board to meet the 45-day provision in section 11325(d)(2), the Board will issue a final decision as soon as possible after that process is complete.