

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. FD 36833 (Sub-No. 1)

ENTERED
Office of Chief Counsel
September 21, 2026
Part of
Public Record

LAMPWRIGHTS LLC – PETITION FOR DECLARATORY ORDER

**MOTION TO WITHDRAW RELIEF #5 AND #6 IN LAMPWRIGHTS PETITION FOR
DECLARATORY ORDER AND TO WITHDRAW THE MOTION FOR PARTIAL
EXPEDITED CONSIDERATION**

Justin J. Marks
Clark Hill PLC
601 13th Street NW
Suite 600
Washington, DC 20005
(202) 772-0916
jmarks@clarkhill.com

Eric M. Hocky
Clark Hill PLC
Two Commerce Square
2001 Market St.
Suite 2620
Philadelphia, PA 19103
(215) 640-8523
ehocky@clarkhill.com

*Counsel for
Lampwrights LLC*

Dated: September 21, 2026

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. FD 36833 (Sub-No. 1)

LAMPWRIGHTS LLC – PETITION FOR DECLARATORY ORDER

**MOTION TO WITHDRAW RELIEF #5 AND #6 IN LAMPWRIGHTS PETITION FOR
DECLARATORY ORDER AND TO WITHDRAW THE MOTION FOR PARTIAL
EXPEDITED CONSIDERATION**

On May 8, 2026, Lampwrights LLC (“Lampwrights”) filed a Petition for Declaratory Order seeking declaratory relief that Brockway Area Sewage Authority (“BASA”) lacked the authority to condemn an easement for its sewer line from milepost 3.8 to milepost 5.2 (Relief #5) and that BASA’s occupation of its current sewer line easement is preempted under the Interstate Commerce Commission Termination Act (Relief #6).

Also on May 8, Lampwrights filed a motion for partial expedited consideration of the BASA-related relief items presented in its Petition for Declaratory Order so that OEA will reinstitute the environmental review process on the Proposed Line.

On September 21, 2026, Lampwrights and BASA entered into an agreement for the relocation of the BASA sewer line. As such, Lampwrights respectfully requests that the Board allow Lampwrights to withdraw relief items numbers 5 and 6. Those relief items requested the following:

- 5) That BASA lacked the authority to condemn the rail line from milepost 3.8 to milepost 5.2 because that segment of the rail line was never abandoned.
- 6) That BASA’s continued occupation of the easements is preempted, and that BASA’s statements in FD 36833 contending that construction of the Proposed Line on the right-of-way is not feasible — to the extent those statements depend on the existence of the preempted easement — should be disregarded by the Office of Environmental Analysis.

Now that Lampwrights and BASA have entered into an agreement for the relocation of the sewer line, a case or controversy no longer exists vis-à-vis relief items numbers 5 and 6. As such, the Board need not decide whether BASA lacked the authority to condemn the rail line or that BASA's continued occupation of the easements is preempted. Further, the Board need not grant Lampwrights' motion for expedited consideration.

Respectfully submitted,



Eric M. Hocky
Clark Hill PLC
Two Commerce Square
2001 Market St. Suite 2620
Philadelphia, PA 19103
(215) 640-8523
ehocky@clarkhill.com

Justin J. Marks
Clark Hill PLC
601 13th Street NW
Suite 600
Washington, DC 20005
(202) 772-0916
jmarks@clarkhill.com

Counsel for Lampwrights LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of September 2026, the foregoing document was served by first-class mail or email upon Jeff Gordon, Solicitor, Brockway Area Sewage Authority and all parties of record on the service list in this proceeding.



Justin J. Marks