

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-996X

READING BLUE MOUNTAIN AND NORTHERN RAILROAD COMPANY–
ABANDONMENT EXEMPTION–IN SCHUYLKILL COUNTY, PA

Decided: May 30, 2007

Reading Blue Mountain and Northern Railroad Company (RBMN) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 1.2-mile portion of its Minersville Running Track, extending from milepost 7.6 to milepost 8.8, in Norwegian and Cass Townships, in Schuylkill County, PA. Notice of the exemption was served and published in the Federal Register on August 21, 2006 (71 FR 48581). The notice stated that the exemption would become effective on September 20, 2006, unless stayed by the Board or a formal expression of intent to file an offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27(c)(2) was filed by August 31, 2006.

On August 30, 2006, Reading Anthracite Company (RAC) filed a formal expression of intent to file an OFA to subsidize operations over the line.¹ This filing automatically stayed the effective date of the exemption for 10 days, until September 30, 2006.² The time period to submit an OFA was tolled and the effective date of the exemption was further postponed several times.³ The latest decision, served on March 7, 2007, tolled the time period for RAC to file an OFA until May 30, 2007, and the effective date of the exemption was postponed until June 9, 2007.

By letter filed on May 21, 2007, RAC requests that the time period to submit an OFA be further tolled for an additional 90 days, until August 28, 2007. RAC indicates that RAC and RBMN have conferred and have agreed that an extension is needed to conclude negotiations. RAC states that a delay has been caused by a separate but underlying contract negotiation

¹ RAC simultaneously requested that RBMN provide RAC with the financial data and information prescribed in 49 CFR 1152.27(a), including RBMN's estimate of the annual subsidy required to keep the subject line in operation.

² See 49 CFR 1152.27(c)(2)(i).

³ By decision served on September 19, 2006, the 30-day time period for filing an OFA was tolled for 10 days, until September 29, 2006, and the effective date of the exemption was extended until October 9, 2006. The time period to file an OFA was further tolled until March 1, 2007, and the effective date of the exemption was postponed until March 11, 2007, by decision served on September 29, 2006.

between RAC and a third party that must be completed before RAC and RBMN can finalize their arrangement. RAC indicates that, once it concludes contract negotiations with the third party, RAC and RBMN expect to move quickly in resolving the proposed abandonment. RAC notes that it is authorized to state that RBMN joins in the extension request.

Because more time is needed for negotiations and the parties agree to the extension, the request will be granted. Accordingly, the time period for RAC to submit its OFA will be tolled until August 28, 2007, and the effective date of the exemption will be further extended until September 7, 2007.

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

It is ordered:

1. The time period for RAC to file an OFA is tolled until August 28, 2007.
2. The effective date of the exemption is postponed until September 7, 2007.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary