

32350
SEC

SERVICE DATE - DECEMBER 4, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-581X

1411 CORPORATION—ABANDONMENT EXEMPTION—IN LANCASTER COUNTY, PA

STB Docket No. AB-529X

MIDDLETOWN & HUMMELSTOWN RAILROAD COMPANY—ABANDONMENT
EXEMPTION—IN LANCASTER COUNTY, PA

Decided: December 3, 2001

This decision concerns the transfer of a rail line extending from milepost 39.3, in the borough of Columbia, to milepost 37.2, in West Hempfield Township, a distance of approximately 2.5 miles in Lancaster County, PA (line), under the offer of financial assistance provisions of 49 U.S.C. 10904. The Board set the terms and conditions for the sale of the line in a decision served on October 18, 2001.¹ On October 29, 2001, Sahd accepted the Board's terms and conditions; and by a decision served on November 8, 2001, Sahd was authorized to acquire the line.

On November 29, 2001, Sahd filed a petition for clarification of the Board's October 18, 2001 decision pursuant to 49 CFR 1117.1 and concurrently filed a petition for expedited consideration of the petition for clarification.

Sahd states that it has been engaged in negotiations with the 1411 Corporation and the Middletown & Hummelstown Railroad Company (collectively Applicants) for an agreement that would accomplish the sale of the line. According to Sahd, however, the parties are now deadlocked over certain terms governing environmental liability. Sahd indicates that clarification by the Board of its October 18, 2001 decision is necessary to resolve the outstanding issues in order to break the deadlock and facilitate the transfer of the line in order to accomplish closing by January 16, 2002. Sahd, therefore, requests that the Board issue a decision ruling on its petition for clarification by December 15, 2001. Alternatively, Sahd requests that, if the Board does not issue a decision by December 15, 2001, it extend the closing date by 45 days

¹ The October 18, 2001 decision noted that, should Frank Sahd Salvage Center, Inc. (Sahd) elect to proceed with the purchase of the line at the price set by the Board, closing was to occur within 90 days of the service date of that decision, i.e., by January 16, 2002.

from the issuance of a decision ruling on the petition for clarification to allow Sahd sufficient time to conduct environmental testing and analyze the results.

By letter filed on November 29, 2001, Applicants have indicated that they intend to reply in opposition to Sahd's petitions and will endeavor to do so in less than the 20 days provided in the Board's rules at 49 CFR 1104.13.² However, Applicants request that they be notified if the Board desires Applicants' reply in advance of December 19, 2001.

Applicants are free to file their reply prior to December 19, 2001, but they will not be required to do so. Sahd's alternative request will be granted, however, and the due date for closing the sale of the line will be extended from January 16, 2002, to a date 45 days after the Board issues its decision addressing Sahd's petition for clarification.

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

It is ordered:

1. Sahd's petition for expedited consideration is granted to the extent described in this decision.
2. The due date for closing is extended to a date 45 days after the Board issues its decision addressing Sahd's petition for clarification.
3. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary

² Under 49 CFR 1104.13, a party may file a reply or motion addressed to any pleading within 20 days after the pleading is filed with the Board, unless otherwise provided. Thus, Applicant's reply would be due by December 19, 2001.