

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-996X

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

Decided: September 19, 2006

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 the line. This filing automatically stayed the effective date of the exemption for 10 days, until September 30, 2006.¹ 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.

By petition filed on September 11, 2006, RAC requests, pursuant to 49 CFR 1152.27(c)(2)(ii)(C), that the 30-day time period for filing an OFA² be tolled until 20 days after RBMN provides to RAC the information required under 49 CFR 1152.27(a). RAC notes that it is unable to formulate and submit its OFA until it has received and had an opportunity to analyze the requested information. RAC states that, upon making an inquiry to RBMN on September 8, 2006, it was advised by RBMN's counsel that such information would not be available until after September 19, 2006.

In a response filed on September 18, 2006, RBMN submitted the requested information as Appendix A to its reply, and certified that it provided the information to RAC on September 18, 2006. RBMN states that the information reflects RBMN's internal estimates based on information in its possession. RBMN notes that, because RBMN is a Class III rail

¹ See 49 CFR 1152.27(c)(2)(i).

² Under 49 CFR 1152.27(c)(2)(ii)(B), OFAs are due 30 days after publication of the notice of exemption in the Federal Register.

carrier, it does not maintain detailed on- and off-branch costs and has not obtained any formal appraisals or estimates. RBMN states that it does not oppose the tolling of the period for RAC to file its OFA, but believes that 10 days from RBMN's provision of the requested information to RAC should be sufficient.

Under the circumstances, RAC's request to toll the time period for submitting its OFA will be granted and the deadline will be tolled, but not for 20 days from the date of receipt of the requested information as sought by RAC in light of RBMN's objection to that length of time. The deadline will instead be tolled until 10 days after the service date of this decision. Accordingly, the OFA will be due on September 29, 2006, and the effective date of the exemption will be extended until October 9, 2006.

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 September 29, 2006.
2. The effective date of the exemption is postponed until October 9, 2006.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary