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SERVICE DATE — LATE RELEASE NOVEMBER 17, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1053 (Sub-No. 2X)

MICHIGAN AIR-LINE RAILWAY CO.—ABANDONMENT
EXEMPTION—IN OAKLAND COUNTY, MICH.

Decided: November 17, 2011

This decision stays, until November 30, 2011, the effective date of the exemption previously granted in this proceeding.

By decision served on October 19, 2011, the Board exempted from the prior approval requirements of 49 U.S.C. § 10903, Michigan Air-Line Railway Company's (MAL Railway's) proposed abandonment of an approximately 5.45-mile rail line in Oakland County, Mich., extending from milepost 45.26 (Engineer's Profile Station 2389+72), at the west line of Haggerty Road, to milepost 50.65 (Engineer's Profile Station 2677+67), at the intersection with the right-of-way of a CSX Transportation, Inc. rail line in the City of Wixom. The exemption is scheduled to become effective on November 18, 2011.

On November 3, 2011, American Plastic Toys, Inc. (APT), the sole shipper on the line, filed a request for a 30-day stay of the Board's October 19 decision, to allow APT time to complete the unloading and return of railcars at its facility, which is located on the line. On November 8, 2011, MAL Railway filed a reply in which it asked the Board to deny APT's stay request.

On November 10, 2011, the parties jointly filed a "Stipulated Agreement Regarding Request for Stay of Decision," stating that they agree: 1) to a stay of the Board's October 19 decision, through and including November 30, 2011; and 2) that MAL Railway will continue to provide APT with use of the line for the railcars presently in place and contract rail services to allow APT to unload and remove the railcars, as requested by APT and consistent with their mutual practice and agreement, through and including November 30, 2011, and at no additional charge.

Based upon the consent of the parties, a stay of the effective date of the abandonment exemption, until November 30, 2011, will be entered. Additionally, as a result of this stay, the 1-year time period in which MAL Railway may consummate the authority granted to it by the Board will now end on November 30, 2012. If consummation has not been effected by MAL Railway's filing of a notice of consummation by this date, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire. If a legal or regulatory barrier to consummation exists at the end of the 1-year period, the notice of

consummation must be filed no later than 60 days after satisfaction, expiration, or removal of the legal or regulatory barrier.

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

It is ordered:

1. The effective date of MAL Railway's abandonment exemption is stayed until November 30, 2011.

2. Pursuant to the provisions of 49 C.F.R. § 1152.29(e)(2), MAL Railway shall file, by November 30, 2012, a notice of consummation with the Board to signify that it has exercised the authority granted in Docket No. AB 1053 (Sub-No. 2X) and fully abandoned the line. If a legal or regulatory barrier to consummation exists at the end of the 1-year period, the notice of consummation must be filed no later than 60 days after satisfaction, expiration, or removal of the legal or regulatory barrier.

3. This decision is effective on its date of service.

By the Board, Daniel R. Elliott, Chairman.