

SERVICE DATE – JUNE 24, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35468

PINELAWN CEMETERY—PETITION FOR DECLARATORY ORDER

Decided: June 23, 2011

On February 3, 2011, Pinelawn Cemetery (Pinelawn) filed a petition for declaratory order asking the Board to declare that track in the “Farmingdale Yard” in Farmingdale, N.Y., is not now, nor ever has been, a “line of railroad” over which the Board has exclusive jurisdiction. Rather, petitioner argues, the track at issue is excepted spur track under 49 U.S.C. § 10906. Pinelawn, the owner of the property where the Farmingdale Yard is located, leased the Farmingdale Yard to the entity now known as the Metropolitan Transportation Authority, the parent of the Long Island Railroad (LIRR), in the early 1900s. New York and Atlantic Railway Company (NY&A) acquired all of LIRR’s freight operations, including its interest in the Farmingdale Yard, in 1997. N.Y. & Atl. Ry.—Operation Exemption—Long Island R.R., FD 33300 (STB served Jan. 10, 1997).

By decision served May 13, 2011, the Board granted a request by Pinelawn for leave to amend its petition for declaratory order, and accepted the amended petition Pinelawn had filed with the request. In that decision, the Board also granted an extension request from NY&A to extend the date for replies to the amended petition to June 28, 2011.

On June 22, 2011, NY&A filed a request to extend further the date for replies to July 28, 2011. NY&A states that all parties concur with such an extension. The extension request will be granted.

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

It is ordered:

1. NY&A’s request to extend the deadline for filing replies to Pinelawn’s amended petition for declaratory order is granted.
2. Replies to Pinelawn’s amended petition are due on or before July 28, 2011.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.