

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 254 (Sub-No. 10X)

PROVIDENCE AND WORCESTER RAILROAD COMPANY—ADVERSE  
ABANDONMENT—TRACK OF HOUSATONIC RAILROAD COMPANY IN FAIRFIELD  
AND NEW HAVEN COUNTIES, CONN.

Decided: September 29, 2010

Providence and Worcester Railroad Company (P&W) filed a petition on September 15, 2010,<sup>1</sup> asking the Board to waive certain of its regulations and to grant exemptions from certain provisions of the ICC Termination Act. P&W filed the petition in order to facilitate the filing of a “third-party” abandonment application affecting a 12.8-mile segment of rail line in Fairfield and New Haven Counties, Conn., owned by the Housatonic Railroad Company, Inc. (Housatonic). P&W also asks that the Board grant a waiver or reduction of the fee for filing the application.

On September 22, 2010, Housatonic filed a request for an extension of time to prepare and file a reply to P&W’s petition for waivers and exemptions.<sup>2</sup> Housatonic states that it obtained a copy of P&W’s September 10, 2010 submission from the Board’s website, and filed a letter in opposition to the fee waiver request, on September 15, 2010—the same day it received a copy of the September 10 submission in the mail. It claims that it did not reply to the petition for waivers and exemptions in the belief that the petition would not be considered until the filing fee was paid or waived. Housatonic asserts that the proceeding involves novel and complicated issues and that its counsel is scheduled to leave on September 22, 2010 for a vacation. Housatonic therefore requests that the due date to file a reply to the petition be extended to October 11, 2010.

In a letter reply filed on September 24, 2010, P&W states that it does not object to the extension request. The extension request is unopposed, is reasonable under the circumstances, and will be granted.

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<sup>1</sup> P&W submitted the petition on September 10, 2010, but it was not treated as filed until September 15, 2010, when the filing fee was paid.

<sup>2</sup> On September 15, 2010, Housatonic filed a reply in opposition to P&W’s fee waiver request. On September 23, 2010, P&W filed a motion to strike Housatonic’s September 15 reply. The Board will address P&W’s motion to strike at a later date.

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

It is ordered:

1. The due date to file a reply to P&W's petition for waivers and exemptions is extended to October 11, 2010.
2. This decision is effective on its date of service.

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