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SEC

SERVICE DATE – OCTOBER 8, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-286 (Sub-No. 5X)

THE NEW YORK, SUSQUEHANNA AND WESTERN RAILWAY CORPORATION—
DISCONTINUANCE OF SERVICE EXEMPTION—
IN BROOME AND CHENANGO COUNTIES, NY

Decided: October 7, 2008

On August 12, 2008, the New York, Susquehanna and Western Railway Corporation (NYS&W) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments and Discontinuances of Service to discontinue service over a portion of NYS&W's line of railroad known as the Utica Main Line in Broome and Chenango Counties, NY. Notice of the exemption was served and published in the Federal Register on August 29, 2008 (73 FR 51048).

On September 8, 2008, the New York State Department of Transportation (NYDOT) petitioned the Board to stay the effective date of the exemption pending resolution of contractual issues between NYDOT and NYS&W. NYDOT's petition to stay was denied in a decision served on September 30, 2008. The exemption became effective on October 1, 2008, as scheduled.

On September 18, 2008, a petition to reopen, reject, and/or revoke the notice of exemption (petition to revoke) was filed by the County of Chenango Industrial Development Agency (Chenango), a political subdivision of the State of New York. On September 30, 2008, NYDOT submitted a letter seeking to withdraw its petition for stay, based upon productive conversations and correspondence between NYDOT, NYS&W, and Chenango. This letter was received after the decision denying the stay request was issued. Therefore, NYDOT's request to withdraw its stay request is moot. Also on September 30, 2008, Chenango filed a letter requesting to withdraw its petition to revoke. This request is consistent with the Board's policy favoring private-sector resolutions. Accordingly, Chenango's request to withdraw its petition will be granted and the petition will be dismissed.

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

It is ordered:

1. Chenango's request to withdraw its petition to revoke is granted.

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

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan
Acting Secretary