

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33004

READING BLUE MOUNTAIN & NORTHERN RAILROAD COMPANY--
ACQUISITION AND OPERATION EXEMPTION--
CONSOLIDATED RAIL CORPORATION

Decided: March 7, 1997

Reading Blue Mountain & Northern Railroad Company (RBMN) filed a verified notice of exemption under 49 CFR 1150.41 to acquire and operate approximately 107 miles of rail line and incidental trackage rights from Consolidated Rail Corporation (Conrail) in Pennsylvania. The exemption became effective on August 20, 1996, and notice of the exemption was served and published in the Federal Register on August 30, 1996 [61 FR 46019].

By decision served December 10, 1996, the Board instituted a proceeding under 49 U.S.C. 10502(d) to determine if RBMN's exemption should be revoked, and directed the parties to submit additional evidence and argument. Evidence and argument were due on March 10, 1997, and replies were due on April 9, 1997.

On March 7, 1997, the Delaware and Hudson Railway Company (DHRC), with the consent of RBMN, requested that the procedural schedule be extended to permit the parties to pursue a recent settlement proposal made by RBMN. DHRC states its belief that the filing of its evidence and argument while settlement discussions are going on might compromise the parties' ability to resolve the dispute. DHRC also states that it has agreed not to serve additional discovery requests in this proceeding.

The request for extension of the procedural schedule is reasonable and will be granted.

It is ordered:

1. The extension request is granted.
2. DHRC's evidence and argument and motions by Conrail or RBMN for discovery are due on March 24, 1997.
3. Replies to DHRC's evidence and argument are due on May 8, 1997.
4. This decision is effective on the service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary