

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34514

RARITAN CENTRAL RAILWAY, L.L.C.
— OPERATION EXEMPTION —
HELLER INDUSTRIAL PARKS, INC.

Decided: June 24, 2004

On June 15, 2004, Raritan Central Railway, L.L.C. (Raritan), an existing Class III rail carrier, filed a verified notice of exemption under 49 CFR 1150.41 to operate approximately 1.0 route mile and approximately 2.0 track miles of railroad trackage and right-of-way inside the Heller Industrial Park, Edison Township, Middlesex County, NJ. Under the Board's regulations, Raritan's § 1150.41 exemption ordinarily would have become effective on June 22, 2004 (7 days after it was filed). See 49 CFR 1150.42(b).

On June 18, 2004, a petition to stay the effectiveness of Raritan's § 1150.41 exemption was filed by Consolidated Rail Corporation (Conrail), Norfolk Southern Railway Company (NS), and CSX Transportation, Inc. (CSXT) (Conrail, NS, and CSXT will be referred to collectively as petitioners). Petitioners advised that, although counsel for Raritan had not agreed to a stay pending revocation proceedings, counsel for Raritan had agreed to postpone the effective date of the exemption for 2 days (until June 24, 2004) to provide time for Raritan to reply to petitioners' stay request.

By decision served June 21, 2004, the effective date of the exemption was postponed until 6:00 p.m. EDT on June 24, 2004, "[i]n view of Raritan's agreement to a 2-day extension of the effective date, and to allow sufficient time to act on petitioners' stay request on a more complete record."

Counsel for Raritan has advised the Board's staff, by phone, that he intends to file a reply to the stay request on June 24, 2004. Counsel has further advised in the same telephone communication that he has no objection to a further 1-day postponement of the effective date of the exemption.

In view of the anticipated filing of a Raritan reply on June 24th, and to allow sufficient time to consider the reply when acting on the stay request, the effective date of the exemption in STB Finance Docket No. 34514 will be further postponed so that the exemption will not take effect until 6:00 p.m. EDT on Friday, June 25, 2004.

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 the exemption in STB Finance Docket No. 34514 is further postponed until 6:00 p.m. EDT on Friday, June 25, 2004.
2. This decision is effective on the service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary