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SEC

SERVICE DATE – LATE RELEASE NOVEMBER 23, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-1081X

SAN PEDRO RAILROAD OPERATING COMPANY, LLC—ABANDONMENT
EXEMPTION—IN COCHISE COUNTY, AZ

Decided: November 23, 2005

On October 17, 2005, San Pedro Railroad Operating Company, LLC (SPROC), a wholly owned subsidiary of Arizona Rail Group, filed a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon approximately 76.2 miles of railroad in Cochise County, AZ, as follows: (1) the Bisbee Branch, between milepost 1085.0 at Bisbee Junction and milepost 1090.6 at Bisbee, a distance of 5.6 miles; and (2) the Douglas Branch (a) between milepost 1097.3 near Paul Spur and milepost 1106.5 near Douglas, a distance of 9.2 miles, (b) between milepost 1055.8 near Charleston and milepost 1097.3 near Paul Spur, a distance of 41.5 miles, and (c) between milepost 1040.15 near Curtiss and milepost 1055.8 near Charleston, a distance of 19.9 miles. Notice of the petition was served and published in the Federal Register on November 4, 2005 (70 FR 67213-14). That notice provided that interested persons had until November 25, 2005, to file replies.

In a motion filed on November 21, 2005, Chemical Lime Company (Chemical Lime) requests a 7-day extension of the due date for filing replies, until December 2, 2005. Chemical Lime states that an extension is warranted because: (1) an extension would allow more time for settlement discussions; (2) due to business travel schedules, its counsel has been unable to participate fully in the settlement discussions; and (3) due to the Thanksgiving holiday, it will be difficult for Chemical Lime to conclude its consideration of the possibility of a settlement and, if necessary, prepare and file comments and reply in opposition to the petition by the November 25 due date.

On November 21, 2005, SPROC filed a reply in opposition to the extension request. SPROC notes that the extension request should have been filed at least 10 days before the due date, that the parties are still far apart in their settlement negotiations, and that delays in this proceeding burden SPROC.

Chemical Lime has justified a limited extension. Therefore, this decision will authorize an extension until November 29, 2005, for Chemical Lime to file its reply. This extension should not unreasonably burden SPROC.

It is ordered:

1. Chemical Lime's motion for an extension of time to file its reply is granted as set forth above.
2. Chemical Lime's reply to the exemption petition is due by November 29, 2005.
3. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams

Secretary