

SERVICE DATE – APRIL 3, 2013

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 979 (Sub-No. 2X)

CONNECTICUT SOUTHERN RAILROAD, INC.—ABANDONMENT EXEMPTION—IN
HARTFORD COUNTY, CONN.

Decided: April 2, 2013

Connecticut Southern Railroad, Inc. (CSO) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon 2.4 miles of rail line between milepost 2.0 and milepost 4.4 on its Suffield Subdivision in Hartford County, Conn. (the Line). Notice of the exemption was served and published in the Federal Register on January 9, 2012 (77 Fed. Reg. 1,126). The exemption became effective on February 8, 2012. In the January 9, 2012 notice, the Board stated that, if consummation had not been effected by CSO's filing of a notice of consummation by January 9, 2013, and there were no legal regulatory barriers to consummation, the authority to abandon would automatically expire.¹

Under 49 C.F.R. § 1152.29(e)(2), a railroad may, for good cause, file a request for an extension of time to file a notice of consummation in abandonment proceedings. On February 13, 2013, CSO filed a petition requesting that the Board reopen this proceeding and extend, until December 31, 2013, the time to file its notice of consummation. While CSO did not file its notice of consummation by the January 9, 2013 due date, CSO is asking the Board to accept its request for an extension to file its notice of consummation. As justification for an extension, CSO states that it has been in ongoing negotiations with the Connecticut Department of Transportation (CDOT) to allow CDOT to acquire the Line, although the CDOT has not filed a public use request with the Board. According to CSO, CDOT has not determined whether to acquire the Line as an active rail line or as excepted track under 49 U.S.C. § 10906, which will require CSO to consummate the abandonment and reclassify the Line. CSO states that, because of the ongoing negotiations, and in order to provide CSO with the flexibility to sell the Line to CDOT, CSO asks that the Board reopen and extend the consummation filing deadline.

CSO has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding. Under the circumstances, the request for an extension of time for CSO to file a notice of consummation will be granted.

¹ In a decision served on February 7, 2012, the exemption was made subject to two environmental consultation conditions regarding salvage that remain in effect. These conditions are not barriers to CSO's consummation of the abandonment.

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

It is ordered:

1. CSO's request for an extension of time to consummate the abandonment is granted.
2. The authority to abandon must be exercised and the notice of consummation must be filed on or before December 31, 2013.
3. This decision is effective on its service date.

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