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SEC

SERVICE DATE - DECEMBER 15, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33466

BOROUGH OF RIVERDALE-PETITION FOR DECLARATORY ORDER-
THE NEW YORK SUSQUEHANNA AND WESTERN RAILWAY CORPORATION

Decided: December 14, 1999

By decision served on September 10, 1999, the Board addressed a variety of issues raised in a request for declaratory order filed by the Borough of Riverdale, NJ (the Borough), concerning the extent to which certain facilities constructed and operated in Riverdale by The New York, Susquehanna and Western Railway Corporation (NYSW) are covered by the federal preemption provisions contained in 49 U.S.C. 10501(b). Our decision permitted public comments on certain issues, which were to have been filed by December 9, 1999. NYSW and the Borough were allowed to file replies by December 29, 1999.

On December 9, 1999, the Hackensack Meadowlands Development Commission (Hackensack), a state agency of the State of New Jersey, requested an extension of time in which to file comments. On December 13, 1999, NYSW filed a reply to Hackensack's request, stating that it does not object to a modest extension, provided that NYSW and the Borough are allowed to file replies 20 days later.

Hackensack's extension request will be granted and Hackensack will be given an additional 20 days to file its comments, which will now be due on December 29, 1999. NYSW and the Borough may file replies to Hackensack's comments by January 18, 2000. The due date for replies by NYSW and the Borough to any comments already filed with the Board remains December 29, 1999.

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

It is ordered:

1. Hackensack's request for an extension of time is granted, and Hackensack's comments are now due on December 29, 1999.
2. The Borough and NYSW may file replies to any comments filed by Hackensack on or before January 18, 2000.
3. This decision is effective on its service date.

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By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary