

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35345

PHILADELPHIA BELT LINE RAILROAD COMPANY—PETITION FOR DECLARATORY
ORDER

Decided: October 6, 2010

This decision grants the Philadelphia Belt Line Railroad Company's (PBL) request to withdraw its petition for clarification. On January 14, 2010, PBL petitioned the Board for a declaratory order.¹ In a decision served August 4, 2010, the Board denied that petition, finding that PBL had failed to demonstrate either its status as a rail common carrier over the disputed right-of-way or its authority otherwise under the Interstate Commerce Act² to conduct rail operations over the right-of-way.

On September 3, 2010, PBL filed a petition for clarification, asking the Board to clarify and restate its characterization of the relief requested by PBL in the Board's August 4, 2010 decision. HSP Gaming, L.P. and SugarHouse HSP Gaming, L.P. filed a reply on September 21, 2010. PBL subsequently filed a request to withdraw its petition for clarification on September 28, 2010. PBL's request to withdraw its petition for clarification will be granted.

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

It is ordered:

1. Petitioner's request to withdraw its petition for clarification is granted.
2. Copies of this decision will be mailed to:

The Honorable Sandra Mazer Moss
Court of Common Pleas
City Hall, Rm. 392

¹ PBL previously had filed a lawsuit in the Court of Common Pleas for Philadelphia County in September 2009, asserting that it holds a rail right-of-way over the former Penn Street pursuant to an ordinance passed by the City of Philadelphia in 1890.

² Ch. 104, 24 Stat. 379 (codified as amended in scattered sections of 49 U.S.C.).

Philadelphia, PA 19107

Re: Case ID 090900166, Control No. 09103504

3. This decision is effective on its service date.

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