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SERVICE DATE - LATE RELEASE NOVEMBER 22, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34281

LB RAILCO, INC.  
– LEASE AND OPERATION EXEMPTION –  
PROVIDENCE AND WORCESTER RAILWAY COMPANY

Decided: November 22, 2002

By notice filed on November 18, 2002, LB Railco, Inc. (Railco), a Class III rail carrier, invoked the class exemption at 49 CFR 1150.41 to lease certain track and lands in Millbury, MA, owned in part by the Providence and Worcester Railroad Company (P&W) and to enter into an interchange agreement with P&W and other carriers for movement of rail cars and equipment in common carriage service between Railco's terminal in Millbury and destinations in other states. The exemption is due to go into effect on November 25, 2002.

Railco's notice contains insufficient information to enable the Board to determine the extent to which environmental review is required. Nor does the notice describe the track involved. The Board has received communications expressing concerns about the fact that Railco is seeking to use the property to be leased for the purpose of operating a solid waste rail/truck transloading facility within the Town of Millbury, on land that is within 50 feet of the Blackstone River, and requesting the Board to give any such project environmental scrutiny for this reason.<sup>1</sup> These communications have raised significant environmental concerns. To allow Railco to provide further information on these matters and to allow the Board time to assess this further information, the effectiveness of the notice will be stayed until further order of the Board.

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

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<sup>1</sup> Letter from Richard E. Neal, Member of Congress, dated November 12, 2002; letter from the United States Department of the Interior (Interior), dated November 7, 2002; letter from the John H. Chafee Blackstone River Valley National Heritage Commission (Commission), dated October 25, 2002. Interior and the Commission request that the Board consult with the Commission on this matter.

It is ordered:

1. The effective date of the notice in the proceeding is stayed pending further order of the Board.
2. This decision is effective on its service date.

By the Board, Linda J. Morgan, Chairman.

Vernon A. Williams  
Secretary