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SEC

SERVICE DATE - JUNE 27, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34046

NEW YORK CROSS HARBOR RAILROAD—PETITION FOR DECLARATORY ORDER

Decided: June 22, 2001

By petition filed on May 18, 2001, the New York Cross Harbor Railroad (NYCH) requests that the Surface Transportation Board (Board) issue a declaratory order regarding federal preemption of the New Jersey Department of Environmental Protection (NJDEP) regulations on the construction and operation of intermodal transfer facilities for solid waste (N.J.A.C. § 7:26-3.6).

In a letter filed on June 15, 2001, NYCH asks that the proceeding be held in abeyance until further notice due to ongoing discussions between NYCH and NJDEP. By letter filed on June 18, 2001, the New Jersey Department of Law and Public Safety, on behalf of NJDEP, also requests that the Board hold NYCH's petition in abeyance.

The requests to hold the proceeding in abeyance are reasonable and will be granted.

It is ordered:

1. This proceeding is held in abeyance until further notice.
2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary