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SEC

SERVICE DATE - LATE RELEASE JULY 3, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34364

VERMONT RAILWAY, INC.–PETITION FOR DECLARATORY ORDER

Decided: July 3, 2003

On June 17, 2003, Vermont Railway, Inc. (VTR), a Class III railroad, filed a petition for declaratory order. Replies are currently due on July 7, 2003.

On July 2, 2003, the State of Vermont (Vermont) filed a motion for a 45-day extension of time in which to respond to issues raised by VTR in its petition. Vermont indicates that additional time beyond the 20 days set forth in 49 CFR 1104.13(a) is needed for the following reasons: (1) the State did not receive copies of VTR's petition for declaratory order until June 20, 2003; (2) the State needs additional time to respond to the complex issues raised in VTR's declaratory order request; (3) the State had no prior knowledge of VTR's construction plans and needs time to investigate the claims relating to the preemption of Vermont's Land Use Law (Act 250); and (4) the State has limited resources in which to prepare its responses in that two attorneys in the Environmental Unit of the Attorney General's Office are currently occupied with trial preparation.

VTR filed a reply in opposition to Vermont's extension request, arguing that a 45-day extension would be excessive. However, VTR states that it would not object to a 30-day extension.

A 30-day extension of the due date for Vermont's response is reasonable and will be granted.

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

It is ordered:

1. Vermont's motion for an extension of time is granted in part, as discussed in this decision.
2. The due date for Vermont to file a reply is extended to August 6, 2003.
3. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary