

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34514

RARITAN CENTRAL RAILWAY, L.L.C.  
— OPERATION EXEMPTION —  
HELLER INDUSTRIAL PARKS, INC.

Decided: June 21, 2004

On June 15, 2004, Raritan Central Railway, L.L.C. (Raritan), an existing Class III rail carrier, filed a verified notice of exemption under 49 CFR 1150.41 to operate approximately 1.0 route mile and approximately 2.0 track miles of railroad trackage and right-of-way inside the Heller Industrial Park, Edison Township, Middlesex County, NJ. Under the Board's regulations, a § 1150.41 exemption is effective 7 days after the filing of a verified notice. See 49 CFR 1150.42(b). Because Raritan's verified notice was filed on June 15, the exemption would become effective on June 22, 2004, unless the effective date is stayed or postponed.

On June 18, 2004, a petition to stay the effectiveness of Raritan's § 1150.41 exemption was filed by Consolidated Rail Corporation (Conrail), Norfolk Southern Railway Company (NS), and CSX Transportation, Inc. (CSXT) (Conrail, NS, and CSXT will be referred to collectively as petitioners). Petitioners advise that they intend to file a petition under 49 U.S.C. 10502(d) to revoke the exemption sought by Raritan.

Petitioners indicate that counsel for petitioners contacted counsel for Raritan on June 16 (the day after Raritan's notice was filed) to request Raritan's agreement to a voluntary stay pending revocation proceedings. Petitioners further indicate that, although counsel for Raritan declined to agree to such a stay, counsel for Raritan did agree to postpone the effective date of Raritan's notice for 2 days (until June 24th) to provide time for Raritan to reply to petitioners' stay request.

In view of Raritan's agreement to a 2-day extension of the effective date, and to allow sufficient time to act on petitioners' stay request on a more complete record, the effective date of the exemption in STB Finance Docket No. 34514 will be postponed so that the exemption will not take effect until 6:00 p.m. EDT on June 24, 2004.

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

It is ordered:

1. The effective date of the exemption in STB Finance Docket No. 34514 is postponed until 6:00 p.m. EDT on June 24, 2004.
2. This decision is effective on the service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary