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SEC

SERVICE DATE – LATE RELEASE MAY 7, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 35110

FLORIDA DEPARTMENT OF TRANSPORTATION—ACQUISITION EXEMPTION—
CERTAIN ASSETS OF CSX TRANSPORTATION, INC.

Decided: May 7, 2009

The notice of exemption under 49 CFR 1150.31 for Florida Department of Transportation (FDOT), a noncarrier, to acquire from CSX Transportation, Inc. (CSXT) certain physical assets and associated right-of-way, including approximately 61.5 miles of rail line in Poinciana, Volusia, Seminole, Orange and Osceola Counties, FL, was served and published on April 17, 2009 (74 FR 17896-97). Together with the notice of exemption, FDOT filed a motion to dismiss the notice of exemption on the ground that the Board lacks jurisdiction over the acquisition because CSXT would retain an exclusive, permanent rail freight easement and FDOT would not obtain the right to provide freight service over the rail line. Replies to the motion to dismiss were due by May 7, 2009.

In a motion filed on May 5, 2009, The Brotherhood of Railroad Signalmen (BRS) requests an extension of time until May 22, 2009, to respond to FDOT's motion to dismiss the notice of exemption. BRS states that it has been authorized to represent that FDOT does not oppose the motion for extension of time. Accordingly, because no party has objected and the request is reasonable, the motion for an extension of time will be granted, and BRS's response will be due on or before May 22, 2009.

It is ordered:

1. BRS's reply to the motion to dismiss is due May 22, 2009.
2. This decision is effective on its service date.

By the Board, Anne K. Quinlan, Acting Secretary

Anne K. Quinlan
Acting Secretary