

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34364

VERMONT RAILWAY, INC.—PETITION FOR DECLARATORY ORDER

Decided: July 23, 2003

On June 17, 2003, Vermont Railway, Inc. (VTR), filed a petition for declaratory order, and on July 3, 2003, the State of Vermont (Vermont), was granted a 30-day extension of time in which to respond to issues raised by VTR in its petition.¹

On July 8, 2003, the Town of Wallingford, VT (Wallingford), filed a request for a 45-day extension of time in which to respond to VTR's petition. In support of its request, Wallingford states that: (1) it did not receive a copy of VTR's petition until June 20, 2003; (2) it needs additional time to respond to the complex issues raised in VTR's declaratory order request; (3) it had no prior knowledge of VTR's plans and needs time to investigate the claims relating to the preemption of town zoning ordinances; and (4) it has limited resources in which to prepare its responses. VTR replied in opposition to the extension request, arguing that the reply due date should not be extended beyond the 30 days already granted by the July 3, 2003 decision.

A 30-day extension was previously found reasonable and Wallingford raises no new issues; accordingly, the deadline for Wallingford to file its reply in this proceeding will be the same as the deadline for Vermont, i.e., August 6, 2003.

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

It is ordered:

1. Wallingford's request for an extension of time to file a reply is granted in part and Wallingford's reply is due no later than August 6, 2003.

¹ Vermont requested a 45-day extension; however, a 30-day extension of the due date for a response was found reasonable.

2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary