

35955  
SEC

SERVICE DATE – SEPTEMBER 20, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34690

NEW HAVEN NATIONAL RAIL TERMINAL  
TRANSPORTATION COMPANY, L.L.C.  
– LEASE AND OPERATION EXEMPTION –  
3.5 MILES OF TRACK IN THE FORMER CEDAR HILL YARD,  
NEW HAVEN AND NORTH HAVEN, CT

Decided: September 19, 2005

On June 8, 2005, New Haven National Rail Terminal Transportation Company, L.L.C. (NHNRT), a noncarrier, filed a verified notice of exemption under 49 CFR 1150.31 to lease and operate approximately 3.5 miles of track located in Connecticut, in the City of New Haven and the Town of North Haven, in the former Cedar Hill Yard.

By decisions served June 14, 2005, and August 9, 2005, the notice of exemption filed by NHNRT in this proceeding has been held in abeyance pending further order of the Board. Those decisions also stated that the exemption purported to be covered by the notice would not become effective, in either the form of the notice filed June 8th or an amended form, in the absence of a further order of the Board.

By letter filed September 9, 2005, NHNRT has requested that it be allowed to withdraw its exemption notice without prejudice.

Under the circumstances, it is appropriate to grant the withdrawal request, to dismiss the exemption notice without prejudice, and to discontinue this proceeding.

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

It is ordered:

1. The withdrawal request filed September 9, 2005, is granted, and the exemption notice filed June 8, 2005, is dismissed without prejudice.
2. The proceeding instituted by the filing of the exemption notice on June 8, 2005, is discontinued.

3. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary