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SEC

SERVICE DATE – LATE RELEASE MAY 27, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 35120

PRO-GO CORP.—OPERATION EXEMPTION—IN SUFFOLK COUNTY, NY

STB Finance Docket No. 35126

PRO-GO CORP.—OPERATION EXEMPTION—IN SUFFOLK COUNTY, NY

Decided: May 27, 2008

By petitions filed on May 22, 2008, the New York & Atlantic Railway Company (NYAR) requests leave to intervene in the above-captioned proceedings. In support of its request, NYAR states that it has provided railroad service to the asphalt facility and tracks adjacent to the line at issue. The asphalt facility is run by Prima Asphalt Concrete Inc. (Prima)—the sister corporation of Pro-Go Corp. (Pro-Go). Further, NYAR asserts that any traffic from Pro-Go would have to interchange with NYAR.

Under 49 CFR 1112.4, a request to intervene in a proceeding may be granted if: (1) the schedule for filing verified statements will not be unduly disrupted; and (2) the issues raised in the proceeding would not be unduly broadened. It appears from its filings that NYAR merely wishes to be designated a party of record in these proceedings and to be served with pleadings filed in the proceedings. As such, NYAR's participation would neither unduly disrupt the procedural schedule nor broaden the issues. Accordingly, the petition to intervene will be granted.

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

It is ordered:

1. NYAR's petition to intervene is granted and NYAR will be designated a party of record in these proceedings.

2. This decision is effective on its date of service

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan
Acting Secretary