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SERVICE DATE – LATE RELEASE FEBRUARY 12, 2010

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 35312

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

Decided: February 12, 2010

This decision grants an enlargement of time for filing a reply. In a decision served on January 12, 2010, the Board established a procedural schedule in this proceeding, in which Massachusetts Department of Transportation (MassDOT), a noncarrier, filed: (1) a verified notice of exemption under 49 CFR 1150.31 to acquire certain physical assets and associated rights-of-way in Massachusetts from CSX Transportation, Inc.; and (2) a motion to dismiss the notice of exemption.

Under the procedural schedule, comments on the motion to dismiss were due on February 3, 2010. Two comments were submitted, one jointly by The Brotherhood of Railroad Signalmen and Brotherhood of Maintenance of Way Employes Division/IBT and the other by American Train Dispatchers Association.

The schedule provided that any replies to those comments are due on February 17, 2010. Citing the snowstorms that recently required a shutdown of the federal government and normal business activity in the Washington, D.C. region, MassDOT has requested a one week enlargement of time for filing a reply to the comments, or until February 24, 2010. MassDOT states that counsel for the commenters do not object to the requested enlargement. Accordingly, the enlargement of time will be granted.

It is ordered:

1. MassDOT's request for an enlargement of time is granted, and its reply to comments is due on February 24, 2010.
2. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director of Office of Proceedings.