

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34421

HOLRAIL LLC—CONSTRUCTION AND OPERATION EXEMPTION—
IN ORANGEBURG AND DORCHESTER COUNTIES, SC

STB Finance Docket No. 34421 (Sub-No. 1)

HOLRAIL LLC—
PETITION FOR CROSSING AUTHORITY UNDER 49 U.S.C. 10901(d)

Decided: October 6, 2005

By petition filed on November 13, 2003, HolRail, LLC (HolRail) seeks an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 for authority to construct and operate approximately 2 miles of rail line in Orangeburg and Dorchester Counties, SC. According to HolRail, this build-out line would connect with a line owned by Norfolk Southern Railway Company (NSR). HolRail proposes two potential routes for the build-out: a preferred route that would run parallel to track owned by CSX Transportation, Inc. (CSXT) and at least partially within CSXT's right-of-way (ROW) for most of its length, and an alternative route that, like its preferred route, would run parallel to CSXT's line, but would be constructed approximately 50 yards outside CSXT's ROW.

In a decision served on October 20, 2004, the Board stated that it would not approach this case in a piecemeal fashion by making any decisions, including conditional approval of HolRail's exemption petition, without a complete record. The Board therefore granted a motion to compel discovery filed by CSXT and two motions to compel discovery filed by HolRail so that HolRail could obtain information it needed to develop its proposal, and CSXT could obtain information to present its case, respectively.

On September 9, 2005, HolRail filed its petition for crossing, along with supplemental evidence in support of its petition for exemption. On October 3, 2005, CSXT filed a request, with which HolRail concurs, for the Board to adopt a procedural schedule to govern the remainder of this proceeding, or in the alternative, to grant CSXT an extension to file its reply to HolRail's crossing petition and supplemental information. CSXT states that HolRail and CSXT have agreed to the proposed schedule. The proposed procedural schedule will be adopted.

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

It is ordered:

1. The procedural schedule for the remainder of this proceeding is as follows:

October 28, 2005	CSXT's discovery requests are due.
November 4, 2005	HolRail's objections to CSXT discovery requests are due.
November 11, 2005	CSXT's motion to compel is due.
November 18, 2005	HolRail's reply to CSXT's motion to compel is due.
November 30, 2005	HolRail's discovery responses are due (if no dispute).
January 13, 2005	CSXT's reply to HolRail's September 9, 2005 filing is due.

2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary