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SEC

SERVICE DATE - MARCH 26, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-167 (Sub-No. 1164X)¹

CONSOLIDATED RAIL CORPORATION—
ABANDONMENT EXEMPTION—IN ERIE COUNTY, NY

STB Docket No. 42028

BUFFALO CRUSHED STONE, INC.

v.

R. J. CORMAN RAILROAD CO./ALLENTOWN LINES, INC. AND
R. J CORMAN COMPANIES

Decided: March 25, 1998

By notice of exemption in STB Docket No. AB-167 (Sub-No. 1164X), served and published in the Federal Register on July 23, 1996 (61 FR 38243), Consolidated Rail Corporation (Conrail) invoked the class exemption at 49 CFR 1152.50 to abandon 5.10 miles of its lines of railroad in Erie County, NY, comprising the Walden Running Track between mileposts 414.00 and 418.50 and the JD Industrial Track between mileposts 0.00 and 0.60. By decision served September 30, 1996, R. J. Corman Railroad Company/Allentown Lines, Inc. (RJCN) was authorized to acquire the lines from Conrail under the offer of financial assistance (OFA) procedures in 49 U.S.C. 10904.

In a petition filed March 9, 1998, Buffalo Crushed Stone, Inc. (BCS) seeks to vacate the notice of exemption, claiming that the notice contains false or misleading information. BCS also seeks to revoke the transfer of the line to RJCN under the OFA procedures. On March 6, 1998, BCS filed a complaint in STB Docket No. 42028, alleging that RJCN violated 49 U.S.C. 10702, 10741(a), 10904(f)(4)(A) and 11101(a).

By joint motion filed on March 24, 1998, RJCN and Conrail request an 11-day extension to April 10, 1998, to file their answers to BCS's petition in STB Docket No. AB-167 (Sub-No. 1164X), and, by separate motion filed on the same day, RJCN seeks an extension to April 10, 1998, to file its answer to the complaint in STB Docket No. 42028. According to RJCN and Conrail, counsel for BCS has been informed and consents. The requests are reasonable and will be granted.

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

¹ These proceedings are not consolidated. A single decision is being issued for administrative convenience.

STB Docket No. AB-167 (Sub-No. 1164X), et al.

It is ordered:

1. RJCN's and Conrail's extension requests are granted.
2. RJCN's and Conrail's answers to BCS's petition in STB Docket No. AB-167 (Sub-No. 1164X) and BCS's complaint in STB Docket No. 42028 are due April 10, 1998.
3. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary

Vernon A. Williams
Secretary