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SEC

SERVICE DATE – LATE RELEASE MARCH 11, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 35057

TOWN OF BABYLON AND PINELAWN CEMETERY—
PETITION FOR DECLARATORY ORDER

Decided: March 11, 2008

On February 1, 2008, the Board granted a petition filed by the Town of Babylon (Babylon) and Pinelawn Cemetery (Pinelawn), asking the Board to issue a declaratory order finding that, to the extent the New York and Atlantic Railway Company (NYAR) had authorized Coastal Distribution LLC (Coastal) to build and operate a transload facility for construction and demolition debris on property owned by Pinelawn, such activities did not qualify for Federal preemption under 49 U.S.C. 10501(b) and were therefore fully subject to local regulation. On February 20, 2008, Coastal filed a petition for reconsideration of the Board's decision. On February 21, 2008, NYAR filed a motion to dismiss and, in the alternative, a petition for reconsideration of the Board's decision.

On March 10, 2008, Babylon and Pinelawn jointly requested an extension of time until March 25, 2008, to file a joint reply to the filings of both Coastal and NYAR. The request of Babylon and Pinelawn is reasonable and 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. The request of Babylon and Pinelawn for an extension of time to file a reply to the petitions for reconsideration filed by Coastal and NYAR and the motion to dismiss filed by NYAR is granted. Replies are due March 25, 2008.

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

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

Anne K. Quinlan
Acting Secretary