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SERVICE DATE – JUNE 15, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-156 (Sub-No. 26X)

DELAWARE AND HUDSON RAILWAY COMPANY, INC., D/B/A CANADIAN PACIFIC RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN ALBANY COUNTY, NY

Decided: June 14, 2007

Delaware and Hudson Railway Company, Inc., d/b/a Canadian Pacific Railway Company (D&H) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon 1.98 +/- miles of rail line between mileposts A 6.95 +/- (in Colonie) and A 7.13 +/- and mileposts T 0.0 +/- and T 1.81 +/- (in Green Island), in Albany County, NY. Notice of the exemption was served and published in the Federal Register on June 1, 2007 (72 FR 30665-66). The notice stated that the exemption would become effective on July 3, 2007, unless stayed by the Board or a formal expression of intent to file an offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27(c)(2) was filed by June 11, 2007.

On May 17, 2007, R. Freedman & Son, Inc. (Freedman), filed a formal expression of intent to file an OFA to acquire the line.<sup>1</sup> This filing automatically stayed the effective date of the exemption for 10 days, until July 13, 2007.<sup>2</sup>

By letter filed on June 7, 2007, Freedman requests that the time period to submit an OFA be tolled until August 20, 2007. Freedman indicates that, D&H has informed Freedman that it will need additional time to comply with Freedman's request for financial data and information, due to the diversion of resources occasioned by a maintenance workers' strike in Canada and unforeseen data retrieval problems, and that D&H expects to provide the information on or before July 20, 2007. By letter filed with the Board on June 7, 2007, D&H confirms the delay and the date by which it expects to provide the information to Freedman.

Because more time is necessary for D&H to provide Freedman with the data necessary to submit an OFA, the request will be granted. Accordingly, the time period for Freedman to submit an OFA will be tolled until August 20, 2007, and the effective date of the exemption will be extended until August 30, 2007.

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<sup>1</sup> Freedman simultaneously requested that D&H provide Freedman with the financial data and information prescribed in 49 CFR 1152.27(a).

<sup>2</sup> See 49 CFR 1152.27(c)(2)(i).

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

It is ordered:

1. The period for Freedman to file an OFA is tolled until August 20, 2007.
2. The effective date of the exemption is postponed until August 30, 2007.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary