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SEC

SERVICE DATE – JUNE 6, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34903

BUFFALO SOUTHERN RAILROAD, INC.
– ACQUISITION AND OPERATION EXEMPTION –
LINE IN CROTON-ON-HUDSON, NY

STB Finance Docket No. 34905

VILLAGE OF CROTON-ON-HUDSON, NEW YORK

v.

BUFFALO SOUTHERN RAILROAD, INC., ET AL.

Decided: June 5, 2007

By motion filed on April 26, 2007, Buffalo Southern Railroad, Inc. (BSR), has notified the Board that it seeks to withdraw its notice of exemption filed in STB Finance Docket No. 34903 and has requested that the agency discontinue all proceedings and take no further action in this matter. No reply to BSR's motion has been filed.

BSR's motion will be granted. BSR's notice in STB Finance Docket No. 34903 will be dismissed as of the service date of this decision. Because the related complaint filed by the Village of Croton-On-Hudson (the Village) in STB Finance Docket No. 34905 involves a request to prohibit the operations for which BSR was seeking authority pursuant to the notice of exemption, the complaint will also be dismissed. The dismissal of the complaint, however, will not be effective for 20 days in order to give the Village an opportunity to oppose dismissal. Unless the Village demonstrates within 20 days of the service date of this decision why its complaint should not be dismissed, dismissal will take effect automatically at the end of the 20-day period without further order from the Board.

It is ordered:

1. BSR's notice in STB Finance Docket No. 34903 is dismissed effective as of the service date of this decision.

2. The Village's complaint in STB Finance Docket No. 34905 will be dismissed effective on June 26, 2007 (20 days from the service date of this decision), without further order from the Board, unless, prior to that time, the Village demonstrates why the complaint should not be dismissed.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary