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SERVICE DATE – AUGUST 27, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-996X

READING BLUE MOUNTAIN AND NORTHERN RAILROAD COMPANY–
ABANDONMENT EXEMPTION–IN SCHUYLKILL COUNTY, PA

Decided: August 24, 2007

Reading Blue Mountain and Northern Railroad Company (RBMN) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 1.2-mile portion of its Minersville Running Track, extending from milepost 7.6 to milepost 8.8, in Norwegian and Cass Townships, in Schuylkill County, PA. Notice of the exemption was served and published in the Federal Register on August 21, 2006 (71 FR 48581). The notice stated that the exemption would become effective on September 20, 2006, 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 August 31, 2006.

On August 30, 2006, Reading Anthracite Company (RAC) filed a formal expression of intent to file an OFA to subsidize operations over the line.¹ This filing automatically stayed the effective date of the exemption for 10 days, until September 30, 2006.² The time period to submit an OFA was tolled and the effective date of the exemption was further postponed by decisions served on September 19, 2006, September 29, 2006, and March 7, 2007. The latest decision, served on May 30, 2007, tolled the time period for RAC to file an OFA until August 28, 2007, and the effective date of the exemption was postponed until September 7, 2007.

By letter filed on August 23, 2007, RAC requests that the time period to submit an OFA be further tolled for an additional 90 days, until November 26, 2007. RAC states that RAC and RBMN have conferred and have agreed that an extension is needed to conclude negotiations. RAC indicates that it has been assessing commercial options for the line and that RAC and RBMN are continuing negotiations. RAC notes that it is authorized to state that RBMN joins in the extension request.

¹ RAC simultaneously requested that RBMN provide RAC with the financial data and information prescribed in 49 CFR 1152.27(a), including RBMN's estimate of the annual subsidy required to keep the subject line in operation.

² See 49 CFR 1152.27(c)(2)(i).

Because more time is needed for negotiations and the parties agree to the extension, the request will be granted. Accordingly, the time period for RAC to submit its OFA will be tolled until November 26, 2007, and the effective date of the exemption will be further extended until December 6, 2007.

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

It is ordered:

1. The time period for RAC to file an OFA is tolled until November 26, 2007.
2. The effective date of the exemption is postponed until December 6, 2007.
3. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams
Secretary