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SEC

SERVICE DATE – LATE RELEASE NOVEMBER 30, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34824

TRI-STATE BRICK AND STONE OF NEW YORK, INC. AND TRI-STATE  
TRANSPORTATION INC. – PETITION FOR DECLARATORY ORDER

Decided: November 30, 2006

On January 17, 2006, Tri-State Brick and Stone of New York, Inc. and Tri-State Transportation Inc. (jointly, Petitioners) filed a petition for a declaratory order seeking a determination that they are entitled to receive rail service at the 65th Street rail yard in Brooklyn, NY, a facility owned by the City of New York, managed by Apple Industrial Development Corp., as administrator for the New York City Economic Development Corporation (NYCEDC), and served by the New York and Atlantic Railroad. Additionally, Petitioners request that the Board set the terms and conditions of service, including any land use charges payable to the landowner. By decision served on August 11, 2006, the Board denied Petitioners' request for a declaratory order proceeding (August 2006 decision).

On November 3, 2006, Petitioners filed a petition to reopen and vacate the August 2006 decision. Replies were due on November 24, 2006. NYCEDC filed its reply on November 22, 2006.

By letter filed on November 24, 2006, Congressman Jerrold Nadler indicated his intent to respond to the petition to reopen and requested a 1-week extension of time, until December 1, 2006, in which to file his comments. Congressman Nadler indicated that an additional week is needed because his office was closed for the Thanksgiving holiday.

Good cause exists to extend the due date for Congressman Nadler's comments for one week, until December 1, 2006.

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

It is ordered:

1. The motion for an extension of time is granted.
2. The due date for filing a reply to the petition to reopen is extended to December 1, 2006.

3. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary