

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-996X

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

Decided: November 23, 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 By decisions served on September 19, 2006, September 29, 2006, March 7, 2007, May 30, 2007, and August 27, 2007, the time period to submit an OFA was tolled and the effective date of the exemption was further postponed. The most recent decision tolled the time period for RAC to file an OFA until November 26, 2007, and postponed the effective date of the exemption until December 6, 2007.

By letter filed on November 19, 2007, RAC requests that the time period to submit an OFA be further tolled for an additional 60 days, until January 25, 2008. RAC states that RAC and RBMN have conferred and have agreed that an extension is needed to conclude negotiations. RAC indicates that contractual arrangements are close to being finalized and that RAC and RBMN are continuing negotiations. RAC notes that it is authorized to state that RBMN joins in the extension request.

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

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).

until January 25, 2008, and the effective date of the exemption will be further extended until February 4, 2008.

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 January 25, 2008.
2. The effective date of the exemption is postponed until February 4, 2008.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary