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SERVICE DATE – DECEMBER 7, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 297X)

NORFOLK SOUTHERN RAILWAY COMPANY—DISCONTINUANCE OF SERVICE
EXEMPTION—IN CHESTER COUNTY, PA

Decided: December 6, 2007

Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 CFR 1152 Subpart F—Exemption Abandonments and Discontinuances of Service to discontinue service over a 7.70-mile line of railroad between milepost PX 3.10 and milepost PX 10.80 in Phoenixville, Chester County, PA. Notice of the exemption was served and published in the Federal Register on November 7, 2007 (72 FR 62907). The exemption was scheduled to become effective on December 7, 2007, unless stayed by the Board or unless 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 November 19, 2007.

On November 19, 2007, Valley Forge Railways, Ltd. (VFRL), filed a formal expression of intent to file an OFA to subsidize continued rail service over the line. This filing automatically stayed the effective date of the exemption for 10 days, until December 17, 2007.¹ VFRL requested that NSR provide VFRL with the financial data and information prescribed in 49 CFR 1152.27(a).

Under 49 CFR 1152.27(c)(2)(ii)(B), the due date for OFAs in this proceeding is December 7, 2007. On November 30, 2007, VFRL filed a petition to toll the period for filing an OFA in this proceeding, until 7 business days after it has received the data requested from NSR. The Board will consider requests to toll the period for filing an OFA when a petitioner has failed to provide a potential offeror with the information necessary to the development of an OFA and that information is not contained in the petition. See 49 CFR 1152.27(c)(2)(i)(c). In this case, because the information necessary to formulate an OFA has not been provided, VFRL's request will be granted. Accordingly, an OFA will be due 7 business days after NSR provides VFRL with the requested information, and the effective date of the exemption will be extended until 10 days after the due date of filing the OFA.

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

¹ See 49 CFR 1152.27(c)(2)(i).

It is ordered:

1. The time period for VFRL to file an OFA is tolled, until 7 business days after NSR provides it with the requested information.

2. NSR is directed to notify the Board in writing that it has provided VFRL with the information requested once it has done so.

3. The effective date of the exemption is postponed until 10 days after the due date for the filing of an OFA.

4. This decision is effective on its service date.

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

Vernon A. Williams
Secretary