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SERVICE DATE – LATE RELEASE FEBRUARY 24, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35468

PINELAWN CEMETERY—PETITION FOR DECLARATORY ORDER

Decided: February 24, 2011

On February 3, 2011, Pinelawn Cemetery (Pinelawn) filed a petition for declaratory order asking the Board to declare that track in the Farmingdale Yard in Farmingdale, N.Y., is not now, nor ever has been, a “line of railroad” over which the Board has exclusive jurisdiction. Rather, petitioner argues, the track at issue is excepted spur track under 49 U.S.C. § 10906. Pinelawn is the owner of the property where the Farmingdale Yard is located. In 1997, the New York & Atlantic Railway Company (NY&A) obtained authority from the Board to operate the track in the yard.

By letter filed February 14, 2011, NY&A requested the Board to extend the filing deadline for replies to Pinelawn’s petition to March 7, 2011. NY&A states that Pinelawn has agreed to NY&A’s proposed deadline. The Board has good cause to grant NY&A’s extension request and will do so.

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

It is ordered:

1. NY&A’s request to extend the deadline for filing a reply to Pinelawn’s petition is granted.
2. Replies to Pinelawn’s petition are due on or before March 7, 2011.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.