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SERVICE DATE – LATE RELEASE JUNE 14, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34690

NEW HAVEN NATIONAL RAIL TERMINAL
TRANSPORTATION COMPANY, L.L.C.
— LEASE AND OPERATION EXEMPTION —
3.5 MILES OF TRACK IN THE FORMER CEDAR HILL YARD,
NEW HAVEN AND NORTH HAVEN, CT

Decided: June 14, 2005

On June 8, 2005, New Haven National Rail Terminal Transportation Company, L.L.C. (NHNRT), a noncarrier, filed a verified notice of exemption under 49 CFR 1150.31 to lease and operate approximately 3.5 miles of track located in Connecticut, in the City of New Haven and the Town of North Haven, in the former Cedar Hill Yard.

On June 13, 2005, the Providence and Worcester Railroad Company (P&W) filed a petition requesting the Board to reject the notice of exemption or, in the alternative, to stay its effectiveness.

By motion dated June 14, 2005, NHNRT has requested that its notice of exemption be held in abeyance until August 15, 2005, while it conducts further discussions with CSX Transportation, Inc. (CSXT). NHNRT advises: that it will report to the Board on the status of negotiations on July 11, 2005, and August 1, 2005; that, on August 8, 2005, it will file with the Board either an amendment to its notice or a motion to dismiss its notice; and that it will serve a copy of its reports and its amendment or motion to dismiss on CSXT and P&W. NHNRT proposes a new consummation date for the proposed transaction of August 15, 2005, and it commits not to consummate the proposed transaction until that date, at the earliest.

Under the circumstances, the notice of exemption filed by NHNRT in this proceeding will be held in abeyance pending further order of the Board. NHNRT will be expected: to discuss, with P&W, CSXT, and any other interested parties, the issues raised by P&W; to submit, on July 11, 2005, and August 1, 2005, reports respecting the status of such discussions; to file, on August 8, 2005, either an amendment to its notice or a motion to dismiss its notice; and to serve copies of its reports and its notice or motion to dismiss on P&W and CSXT, and also on any other party to this proceeding.

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

It is ordered:

1. The notice of exemption filed by NHNRT in this proceeding is held in abeyance pending further order of the Board and the exemption purported to be covered by the notice may not become effective, in either the current form of the notice or an amended form, in the absence of a further order of the Board.
2. NHNRT shall submit, on July 11, 2005, and August 1, 2005, reports respecting the status of its discussions with P&W, CSXT, and any other interested parties.
3. NHNRT shall file, on August 8, 2005, either an amendment to its notice or a motion to dismiss its notice.
4. This decision is effective on June 14, 2005.

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

Vernon A. Williams
Secretary