

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35468

PINELAWN CEMETERY—PETITION FOR DECLARATORY ORDER

Decided: March 15, 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. Pinelawn leased the Farmingdale Yard to the entity now known as the Metropolitan Transportation Authority, the parent of the Long Island Railroad (LIRR), in the early 1900s. NYAR acquired all of LIRR’s freight operations, including its interest in the Farmingdale Yard, in 1997. N.Y. & Atl. Ry.—Operation Exemption—Long Island R.R., FD 33300 (STB served Jan. 10, 1997).

By letter filed February 14, 2011, NY&A requested that the Board extend the filing deadline for replies to Pinelawn’s petition to March 7, 2011; the Board granted that request. Pinelawn Cemetery—Petition for Declaratory Order, FD 35468 (STB served Feb. 24, 2011).

On March 3, 2011, the Long Island Rail Road (LIRR) requested that the Board further extend the filing deadline. LIRR states that its property rights are involved in this case and that it anticipates responding to Pinelawn’s petition. LIRR also states that Pinelawn and NY&A have consented to the additional extension. The Board has good cause to grant LIRR’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. LIRR’s request to extend the deadline for filing replies to Pinelawn’s petition is granted.
2. Replies to Pinelawn’s petition are due on or before May 13, 2011.
3. This decision is effective on its service date.

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