

225341

July 7, 2009



**VIA HAND DELIVERY**

The Honorable Anne K. Quinlan  
Secretary  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D.C. 20024

Re: Finance Docket No. 34943  
Beaufort Railroad Company, Inc. – Modified Rail Certificate

Dear Ms. Quinlan:

Please find enclosed for filing in the above-referenced docket one (1) original and ten (10) copies of Clarendon Farms, LLC’s Reply in Support of Petition for Stay. I have been advised that no fee is required for this filing.

Also enclosed is one additional copy of the Reply in Support of Petition for Stay, which I kindly request that you date-stamp and return to our courier. If you have any questions regarding the enclosed filing, please contact me.

Thank you for your prompt attention to this matter.

**ENTERED**  
**Office of Proceedings**  
**JUL 07 2009**  
**Part of**  
**Public Record**

Sincerely,



Lynn M. Deavers

Counsel for Clarendon Farms, LLC

Encls.

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**



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**Finance Docket No. 34943**

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**BEAUFORT RAILROAD COMPANY, INC. – MODIFIED RAIL CERTIFICATE**

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**REPLY IN SUPPORT OF PETITION FOR STAY**

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Dated: July 7, 2009

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**Finance Docket No. 34943**

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**BEAUFORT RAILROAD COMPANY, INC. – MODIFIED RAIL CERTIFICATE**

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**REPLY IN SUPPORT OF PETITION FOR STAY**

Petitioner Clarendon Farms, LLC (“Clarendon” or “Petitioner”) respectfully submits this Reply in Support of its Petition for Stay in response to the Reply in Opposition to Petition for Stay filed by Beaufort Railroad Company, Inc., the South Carolina State Ports Authority, and the Beaufort-Jasper Water and Sewer Authority (collectively, “State Parties”) on June 24, 2009 (“Opposition”).

In their Opposition, the State Parties assert that Clarendon’s filing of a Conceptual Master Plan for the development of a portion of its property shows that it plans to use the property in the same way that the State Parties propose to use it, and therefore Clarendon is merely a “developer” which is not concerned with the beauty of the property. This theory fundamentally misunderstands the development that Clarendon has proposed. Clarendon’s proposed development seeks to maintain the natural beauty of its property, including the area where the rail line between Yemassee and Port Royal, South Carolina at issue here (“Rail Line”) runs over that property. The development of recreational trails over a portion of this property will destroy at least part of the natural beauty of this land that is currently intact.

In addition, because there has been no rail service since at least 2003 over the Rail Line, and the State Parties have not maintained the Rail Line in fully operational condition, the land

comprising the Rail Line that runs over Clarendon's property has become more wild and overgrown, fitting into its surrounding natural landscape. Clarendon's proposed development of a portion of its property is based on the land comprising the Rail Line remaining in its current condition, not the development of above-ground recreational trails or the installation of water and sewer lines by the State Parties. The issuance of a temporary stay will merely preserve the status quo as it has existed for the past several years, ensuring that land is not changed while the Board's decision is reviewed.

Notably, the State Parties did not (and cannot) assert that they will suffer any harm if a stay is granted. A stay will not impede the State Parties' efforts to reach an agreement regarding its planned use of the Rail Line property, and the State Parties do not assert that there is any urgency to its plans.

**CONCLUSION**

For the reasons stated above, Petitioner respectfully requests that the Board issue a stay of the effectiveness of its *Decision* pending judicial review, and grant such other and further relief as the Board deems just and proper.

Dated: July 7, 2009

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that, on July 7, 2009, I caused a copy of the foregoing Reply in Support of Petition for Stay to be served upon the following by first-class mail, postage prepaid:

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