

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-491 (Sub-No. 2X)

R.J. CORMAN RAILROAD COMPANY/PENNSYLVANIA LINES,
INC.—ABANDONMENT EXEMPTION—IN CLEARFIELD, JEFFERSON, AND INDIANA
COUNTIES, PA

Decided: November 5, 2008

R.J. Corman Railroad Company/Pennsylvania Lines, Inc. (RJCP), filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 7-mile segment of a line of railroad known as the Hillman Branch, extending from milepost 0 near McGees to the end of the line at milepost 7 near Hillman, in Clearfield, Jefferson, and Indiana Counties, PA (the line). Notice of the exemption was served and published in the Federal Register on October 7, 2008 (73 FR 58710-11).

The exemption was scheduled to become effective on November 6, 2008, unless it was stayed by the Board or 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 October 17, 2008. On October 15, 2008, P&N Coal Company, Inc. (P&N), filed a formal expression of intent to file an OFA either to subsidize operations over the line or to purchase the line.¹ This filing automatically stayed the effective date of the exemption for 10 days, until November 16, 2008,² and extended the due date for an OFA to be filed until November 6, 2008.

By petition filed on November 3, 2008, P&N requests, pursuant to 49 CFR 1152.27(c)(2)(ii)(C), that the 30-day time period for filing an OFA be tolled for 30 days. P&N states that it requested that RJCP provide it with the information set forth in 49 CFR 1152.27(a), and that RJCP has provided information to P&N on several occasions. According to P&N, by email dated November 3, 2008, counsel for P&N asked RJCP if it would agree to a 30-day tolling period under section 1152.27. P&N states that the additional time would allow P&N to formulate an offer and would allow the parties time to engage in meaningful negotiations but, by email on the same date, RJCP told P&N that, in RJCP's opinion, all information has been provided and tolling the OFA process would serve no purpose. On November 5, 2008, P&N filed an OFA in this proceeding but, in that filing, P&N mentioned its pending request to toll the

¹ In the filing, P&N also requested that the Board stay the effective date of the exemption and reject the notice of exemption. The Board will address these requests in a separate decision.

² See 49 CFR 1152.27(c)(2)(i).

OFA due date and signaled that it would like the opportunity to supplement or amend the OFA if its tolling request is granted.

Under the circumstances, some additional time would allow P&N to evaluate material recently received from RJCP and to supplement or amend the OFA and, therefore, P&N's request to toll the time period for submitting its OFA is reasonable and will be granted. Accordingly, any supplement or amendment to the OFA will be due on December 8, 2008, and the effective date of the exemption will be extended until December 18, 2008.

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

It is ordered:

1. The time period for P&N to supplement or amend the OFA is tolled until December 8, 2008.
2. The effective date of the exemption is postponed until December 18, 2008.
3. This decision is effective on its service date.

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

Anne K. Quinlan
Acting Secretary