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SEC

SERVICE DATE - OCTOBER 5, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34514

RARITAN CENTRAL RAILWAY, L.L.C.
— OPERATION EXEMPTION —
HELLER INDUSTRIAL PARKS, INC.

Decided: October 1, 2004

On June 15, 2004, Raritan Central Railway, L.L.C. (Raritan), an existing Class III rail carrier, filed a verified notice of exemption under 49 CFR 1150.41 to operate approximately 1.0 route mile and approximately 2.0 track miles of railroad trackage and right-of-way inside the Heller Industrial Park, Edison Township, Middlesex County, NJ.

On July 7, 2004, Consolidated Rail Corporation, CSX Transportation, Inc., and Norfolk Southern Railway Company (collectively, petitioners) filed a petition to revoke the exemption. On July 27, 2004, Raritan filed a reply to the petition to revoke. On August 31, 2004, petitioners filed a supplemental petition to revoke and an appendix to the supplemental petition to revoke. On September 13, 2004, Raritan filed a reply to the supplemental petition to revoke.

Extension Of Time. The supplemental petition and the appendix that petitioners filed on August 31, 2004, were marked “Confidential” and filed under seal. By motion filed August 31, 2004, petitioners advised that, in order to give Raritan an opportunity to review the supplemental petition and to indicate what, if any, redactions were required, the parties had agreed that petitioners would initially file the supplemental petition under seal and seek a 2-day extension of the due date for filing a public version of the supplemental petition. Accordingly, petitioners requested an extension, to September 2, 2004, of the due date for filing the public version of the supplemental petition. On September 2, 2004, petitioners filed the public version of the supplemental petition. Under the circumstances, the request for an extension is reasonable and, therefore, it will be granted.

Proceeding Instituted. Under 49 U.S.C. 10502(d), “[t]he Board shall, within 90 days after receipt of a request for revocation under this subsection, determine whether to begin an appropriate proceeding.” The petition to revoke filed July 7, 2004, raises issues that require consideration by the Board. Thus, in compliance with § 10502(d), this order instituting a formal proceeding will be issued. In further compliance with § 10502(d), a final decision will be issued within 9 months of the date of commencement of this proceeding (i.e., within 9 months of the service date of this decision). The parties do not need to submit additional evidence in response to this decision.

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

It is ordered:

1. The request for an extension, to September 2, 2004, of the due date for filing the public version of the supplemental petition is granted.
2. Under 49 U.S.C. 10502(d), a proceeding is instituted to consider the issues raised in the petition to revoke filed July 7, 2004.
3. The proceeding herein instituted will be completed no later than July 5, 2005.
4. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary