

**PENDING AND RECENTLY DECIDED STB CASES INVOLVING  
MUNICIPAL SOLID WASTE OR  
CONSTRUCTION AND DEMOLITION DEBRIS**

**Pending Cases**

The Town of Babylon and Pinelawn Cemetery—Petition for Declaratory Order, STB Finance Docket No. 35057.

- Parties permitted by U.S. Court of Appeals for Second Circuit to seek declaratory judgment as to whether C&D transload facility operations are within scope of Board’s jurisdiction.

Norfolk Southern Railway Company—Abandonment Exemption—In Bergen County, NJ, STB Docket No. AB-290 (Sub-No. 288X).

- Pending request or motion to modify notice and exemption in response to “Offer of Financial Assistance” request; allegations about transload facility under consideration.

U S Rail Corporation—Lease and Operation Exemption—Shannon G., A New Jersey Limited Liability Company, STB Finance Docket No. 35042.

- Pending notice of exemption to lease and operate track in City of Paterson, NJ; allegations about transload facility under consideration.

New England Transrail, LLC, d/b/a Wilmington & Woburn Terminal Railway—Construction, Acquisition and Operation Exemption—in Wilmington and Woburn, MA, STB Finance Docket No. 34797 (STB served July 10, 2007).

- Board found certain proposed activities to constitute rail transportation performed by a rail carrier, and therefore preempted from state and local law, and certain activities to be other than rail transportation performed by a rail carrier, and thus not preempted; construction, acquisition, and operation exemption remains pending.

**Recently Decided Cases**

Ashland Railroad, Inc.—Lease and Operation Exemption—Rail Line in Monmouth County, NJ, STB Finance Docket No. 34986 and G. David Crane—Continuance in Control Exemption—Ashland Railroad, Inc., STB Finance Docket No. 34987 (STB served Aug. 16, 2007).

- Board rejected (without prejudice) notice of exemption to lease and operate 1.5 miles of unused track due to insufficient information from project proponents.

J.P. Rail, Inc. d/b/a Southern Railroad Corporation of New Jersey—Lease and Operation Exemption—Alternative Energy Technologies SR, LLC, STB Finance Docket No. 35053 (STB served July 11, 2007).

- Board rejected (without prejudice) notice of exemption due to non-compliance with various filing requirements.

## ATTACHMENT B

Northern and Bergen Railroad, L.L.C.—Acquisition Exemption—A Line of Railroad Owned by New York & Greenwood Lake Railway, STB Finance Docket No. 35020 (STB served June 25, 2007).

- Board investigated acquisition of existing common carrier line of railroad and existing transload facility, allowing acquisition to take effect.

Buffalo Southern Railroad, Inc.—Acquisition and Operation Exemption—Line in Croton-on-Hudson, NY, STB Finance Docket No. 34903 and Village of Croton-on-Hudson, New York v. Buffalo Southern Railroad, Inc., et al., STB Finance Docket No. 34905 (STB served June 6, 2007).

- Board discontinued proceedings involving proposed acquisition and operation of line and waste transfer facility following withdrawal of proposal.

Devens Recycling Center, LLC—Petition for Declaratory Order, STB Finance Docket No. 34952 (STB served Jan. 9, 2007).

- Board denied petition for declaratory order, finding it was clear that track at issue would be private track, and therefore did not require any authority from Board to build or operate.