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SERVICE DATE – MAY 3, 2010

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 857 (Sub-No. 1X)

GREAT WESTERN RAILWAY OF COLORADO, LLC—ABANDONMENT EXEMPTION—  
IN WELD COUNTY, COLO.

Decided: April 30, 2010

Great Western Railway of Colorado, LLC (GWRC) filed a notice of exemption under 49 C.F.R. § 1152 Subpart F—Exempt Abandonments to abandon its Welty Branch, a 6.2-mile line of railroad, extending between milepost 0.0, at Johnstown, and milepost 6.2, near Welty, in Weld County, Colo. Notice of the exemption was served and published in the Federal Register on May 6, 2008 (73 FR 25095). The May 6 notice stated that, if consummation has not been effected by GWRC's filing of a notice of consummation by May 6, 2009, the authority to abandon would expire.<sup>1</sup> By decision served on June 10, 2009, the consummation date for the entire 6.2-mile line was extended until May 6, 2010.

On April 22, 2010, GWRC filed a request to extend, for 1 year, the time to file its notice of consummation. In support, GWRC states that it is continuing to explore alternative options to consummating the abandonment of the rail line, including various public uses of the corridor.

Under 49 C.F.R. § 1152.29(e)(2), a railroad may, for good cause shown, request an extension of time to file a notice of consummation in abandonment proceedings. GWRC has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding. Accordingly, the request will be granted.

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

It is ordered:

1. GWRC's request for an extension of time to exercise the abandonment authority is granted.

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<sup>1</sup> By decisions served on June 4, 2008, and March 23, 2009, the proceeding was reopened to impose and remove, respectively, a historic preservation condition. By decision and notice served on July 29, 2008, the proceeding was again reopened and modified to implement interim trail use/rail banking and to impose a public use condition. The public use condition expired on December 2, 2008, and by statute cannot be extended.

2. The authority to abandon must be exercised on or before May 6, 2011.
3. This decision is effective on its service date.

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