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SERVICE DATE – AUGUST 28, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 456X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN RIVERSIDE  
COUNTY, CA

Decided: August 26, 2009

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon approximately 0.50 miles of rail line, extending between milepost ES 0 + 00 and milepost ES 26 + 35, in Riverside, Riverside County, CA.<sup>1</sup> Notice of the exemption was served and published in the Federal Register on August 29, 2007 (72 FR 49758), and the exemption became effective on September 28, 2007. Notice of consummation was due by August 29, 2008, but, by decision served on August 28, 2008, the consummation date was extended until August 28, 2009.

In a letter filed on August 20, 2009, BNSF requests that the Board extend the time to consummate the abandonment until February 26, 2010. BNSF states that it has completed negotiations for sale of the line to the City, which, according to BNSF, the City intends to use to construct a fire training facility for its emergency response team.<sup>2</sup> BNSF asserts that the extension is necessary because the City has informed BNSF that funding for the acquisition of the line will not be available for another 2 to 4 weeks. BNSF also seeks to allow sufficient time to close its sale of the line to the City. Good cause has been shown, and the deadline for filing the notice of consummation will be extended to February 26, 2010.

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

It is ordered:

1. BNSF's request for an extension of time to exercise the abandonment authority until February 26, 2010, is granted.

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<sup>1</sup> BNSF indicates that a portion of the trackage for the proposed abandonment mistakenly was removed by a contractor for the city of Riverside, CA (City), and that, if the abandonment is not approved, the track will be restored by BNSF at the City's expense.

<sup>2</sup> BNSF states that, as part of the sale conditions, the City would assume responsibility for all salvage work.

2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before February 26, 2010.

3. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Anne K. Quinlan  
Acting Secretary