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SERVICE DATE – LATE RELEASE JANUARY 8, 2010

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 271X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN BOWIE COUNTY, TX

Decided: January 8, 2010

Union Pacific Railroad Company (UP) filed a verified notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments and Discontinuances of Service to abandon a 0.3-mile line of railroad known as the Bonham Industrial Lead, extending between milepost 21.5 and milepost 21.8 near New Boston, in Bowie County, TX.¹ Notice of the exemption was served and published in the Federal Register on November 6, 2008 (73 FR 66100). The November 6 notice stated that, if consummation had not been effected by UP's filing of a notice of consummation by November 6, 2009, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire.

By letter filed on December 16, 2009, UP has requested an extension of the deadline for filing its notice of consummation until that date. While UP did not file its notice of consummation by the November 6, 2009 due date, UP is asking the Board to accept the notice now. UP states that its consummation letter is late-filed because of an oversight during the transition process involving UP's change in counsel for this and other proceedings.

Under the circumstances, the request for an extension of time for UP to file a notice of consummation will be granted. While UP's notice of consummation will therefore be accepted under the circumstances described in this decision, neither UP nor any other rail carrier should count on the Board's granting similar extension requests in the future or on the Board's accepting late-filed notices of consummation.

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

¹ In the same decision, the Board also exempted the discontinuance of service on the line. See Dallas, Garland & Northeastern Railroad Company—Discontinuance of Service Exemption—in Bowie County, TX, STB Docket No. AB-585 (Sub-No. 3X).

It is ordered:

1. UP's request for an extension of time to consummate the abandonment is granted.
2. UP's notice of consummation is accepted.
3. This decision is effective on its service date.

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