

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35407

GNP RLY, INC.–ACQUISITION AND OPERATION EXEMPTION–REDMOND SPUR AND
WOODINVILLE SUBDIVISION

Decided: December 1, 2010

On August 24, 2010, GNP Rly, Inc. (GNP), a Class III rail carrier, filed a petition under 49 U.S.C. § 10502 for exemption from the provisions of 49 U.S.C. § 10902 to acquire and resume rail service over 2 segments of railbanked railroad right-of-way (ROW) totaling 9.1 miles, consisting of: (1) a ROW extending from milepost 0.0, at Woodinville, Wash., to approximately milepost 7.30 at Redmond, Wash. (Redmond Spur); and (2) a ROW extending from milepost 23.8 to milepost 22.0, at or near Woodinville (Woodinville Subdivision).¹ In a notice served on September 15, 2010, and published in the Federal Register on September 20, 2010 (75 Fed. Reg. 57,327), the Board requested comments on GNP's request to resume rail service and partially vacate the NITUs. The notice stated that comments were due by October 20, 2010, and replies were due by November 19, 2010. By decision served October 19, 2010, these time periods were extended to November 9, 2010, and December 9, 2010, respectively.

On November 19, 2010, GNP requested a 6-day extension of time for filing replies to December 15, 2010. GNP states that it is requesting the extension of time on several bases, including the voluminous comments it has received and because GNP is deposing a witness on December 1, 2010, and would like to include the transcript of the testimony in its reply to the comments. The request states that King County, the City of Redmond (Redmond), Sound Transit, BNSF Railway Company, and the Rails to Trails Conservancy have consented to GNP's request.

The request for an extension of time is reasonable in these circumstances and will be granted. Accordingly, the deadline for filing replies to comments will be extended to December 15, 2010.

¹ These segments were the subjects of abandonment proceedings and notices of interim trail use (NITUs) in BNSF Railway Company—Abandonment Exemption—in King County, Wash., AB 6 (Sub-No. 463X), and BNSF Railway Company—Abandonment Exemption—in King County, Wash., AB 6 (Sub-No. 465X). GNP concurrently filed a petition to vacate the NITUs issued for these segments.

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

It is ordered:

1. The request for extension of time to file replies to comments is granted.
2. Replies must be filed by December 15, 2010.
3. This decision is effective on its service date.

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