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SERVICE DATE - OCTOBER 2, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-31 (Sub-No. 33)

GRAND TRUNK WESTERN RAILROAD INCORPORATED--ABANDONMENT--  
IN MACOMB AND OAKLAND COUNTIES, MI

Decided: September 29, 2000

A decision served on December 24, 1998, authorized Grand Trunk Western Railroad Incorporated (GTW), to abandon a line of railroad extending from milepost 19.5 near Washington Station (#55532 at MP 19.9) in Washington, MI, to milepost 37.7 near Pontiac Station (#55610 at MP 25.8 on the Holly Subdivision) in Pontiac, MI, a distance of 18.2 miles in Macomb and Oakland Counties, MI. The December 24, 1998 decision stated that, if consummation had not been effected by GTW's filing of a notice of consummation by March 31, 2000, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire. Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings. On March 2, 2000, GTW filed such an extension request. By decision served March 29, 2000, the due date for filing a notice of consummation was extended to September 30, 2000.

On September 22, 2000, GTW filed a request to further extend, until December 31, 2000, the time to consummate the abandonment and to file its notice of consummation. GTW states that the historic condition imposed on the abandonment authority remains unsatisfied, but adds that it and the Michigan State Historic Preservation Office (SHPO) have continued their negotiations regarding the development and execution of a Memorandum of Agreement (MOA) governing preservation of the bridge that is the subject of the historic condition. GTW expects that negotiations will conclude within the next month, and that the parties will then execute the MOA and complete the section 106 process. The railroad also expects that the regulatory barrier to consummation of the abandonment will be eliminated by December 31, 2000, and to file its notice of consummation by that date. GTW does not anticipate that any party will be prejudiced by this delay in consummation.

GTW 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.<sup>1</sup>

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<sup>1</sup> It is not clear that it is necessary to issue a decision to extend the deadline for consummation. Section 1152.29(e)(2) requires the filing of a notice of consummation within 1 year from the date of the decision authorizing abandonment only if there are no regulatory

(continued...)

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

It is ordered:

1. GTW's request for an extension of time to exercise the abandonment authority is granted.
2. The authority to abandon must be exercised on or before December 31, 2000.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary

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<sup>1</sup>(...continued)  
barriers to consummation. While the fact that the historic condition has not been satisfied is such a barrier, issuance of a decision makes clear that the deadline for filing the notice of consummation has indeed been extended.