

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-857X

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

Decided: December 23, 2003

Great Western Railway of Colorado, LLC (GWRC) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon its Eaton Subdivision located between milepost 30.8 near Windsor, and milepost 42.5 near Eaton, totaling approximately 11.7 miles, in Weld County, CO. Notice of the exemption was served and published in the Federal Register on November 10, 2003 (68 FR 63846-47).¹

The exemption was scheduled to become effective on December 10, 2003. On November 14, 2003, however, a formal expression of intent to file an offer of financial assistance (OFA) was timely filed by the Windsor, Severance & Eaton Railroad, LLC (WS&E) to purchase all or a portion of the Eaton Subdivision, which had the effect of automatically staying the effective date of the exemption for 10 days, until December 20, 2003. WS&E simultaneously requested that GWRC provide it with the information prescribed in 49 CFR 1152.27(a), including the minimum purchase price required to acquire the line, GWRC's most recent report on the physical condition of the line, and traffic, revenue, and other data necessary to determine the line's net liquidation value (together with supporting data). Also, WS&E requested the Board to toll the time period for submitting its OFA for an additional 30 days. By decision served December 1, 2003, WS&E's request to toll was denied.

By letters filed on December 9, and 16, 2003, WS&E requested the Board to toll the time period for submitting an OFA until December 16, and 23, 2003, respectively. Those requests were granted by decisions served December 12, and 19, 2003, respectively. The effective date of the exemption was further extended to December 30, 2003, and January 9, 2004, respectively.

By letter filed on December 23, 2003, WS&E asks the Board to toll the time period for submitting an OFA until January 15, 2004. WS&E states that the parties are continuing to try to

¹ By decision served on November 24, 2003, the proceeding was reopened and the exemption was made subject to two environmental conditions.

negotiate an arrangement outside of the OFA process. WS&E adds that it is authorized to state that GWRC agrees to the extension request.

Because WS&E needs additional time to negotiate, and GWRC agrees to the extension, the request will be granted. As a result, the OFA will be due on January 15, 2004, and the effective date of the exemption will be further extended to January 25, 2004.

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

It is ordered:

1. The time period for WS&E to file an OFA is tolled until January 15, 2004.
2. The exemption will become effective on January 25, 2004.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary