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SERVICE DATE – DECEMBER 9, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 267X)

UNION PACIFIC RAILROAD COMPANY–ABANDONMENT EXEMPTION–
IN COMANCHE COUNTY, OK

Decided: December 8, 2009

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon, and discontinue its lease operation over, a 3.85-mile line of railroad known as the Lawton Industrial Lead, extending from milepost 50.75, near Fort Sill, to milepost 54.60, south of Lawton, in Comanche County, OK. Notice of the exemption was served and published in the Federal Register on December 12, 2008 (73 FR 75809). The exemption became effective on January 13, 2009.

In the December 12, 2008 notice, the Board stated that, if consummation has not been effected by UP's filing of a notice of consummation by December 12, 2009, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire. By letters filed November 17, 2008, and November 24, 2009, UP has requested a 6-month extension, until June 12, 2010, of the time to consummate the abandonment. In support, UP states that due to potential winter weather related concerns that could adversely impact the ability to salvage the line by December 12, 2009, UP is of the opinion that it would be prudent to extend the period within which to consummate the subject abandonment.

Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, request an extension of time to file a notice of consummation in abandonment proceedings. UP 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.

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

It is ordered:

1. UP's request for an extension of time to consummate the abandonment is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before June 12, 2010.

3. This decision is effective on its date of service.

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