

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 456X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN RIVERSIDE
COUNTY, CA

Decided: August 28, 2008

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon approximately 0.50 miles of rail line, extending between milepost ES 0 + 00 and milepost ES 26 + 35, in Riverside, Riverside County, CA.¹ Notice of the exemption was served and published in the Federal Register on August 29, 2007 (72 FR 49758), and the exemption became effective on September 28, 2007. Pursuant to 49 CFR 1152.29(e)(2), the notice stated that, if consummation has not been effected by BNSF's filing of a notice of consummation by August 29, 2008, and there are no legal or regulatory barriers to consummation,² the authority to abandon will automatically expire. That provision provides, however, that a railroad may file, for good cause shown, a request for an extension of time to file a notice of consummation in an abandonment proceeding.

In a letter filed on August 20, 2008, BNSF requests that the Board extend, for 1 year (until August 28, 2009), the time to consummate the abandonment. BNSF states that the extension is necessary because it is currently in negotiations with the City for acquisition of the line. According to BNSF, the City intends to use the property to construct a fire training facility for its emergency response team.³ Good cause has been shown, and the deadline for filing the notice of consummation will be extended to August 28, 2009.

¹ BNSF indicates that a portion of the trackage for the proposed abandonment mistakenly was removed by a contractor for the city of Riverside, CA (the City), and that, if the abandonment is not approved, the track will be restored by BNSF at the City's expense.

² By decision served on September 27, 2007, the Board imposed three conditions on this abandonment exemption proceeding. However, because two of the conditions required only consultation with the appropriate authorities prior to the commencement of any salvage activities and the other condition has been met, these conditions do not constitute barriers to consummation.

³ BNSF states that, as part of the sale conditions, the City would assume responsibility for all salvage work.

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

It is ordered:

1. BNSF's request for a 1-year extension of time to exercise the abandonment authority is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before August 28, 2009.
3. This decision is effective on its service date.

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

Anne K. Quinlan
Acting Secretary