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SERVICE DATE – JULY 8, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 454X)

BNSF RAILWAY COMPANY–ABANDONMENT EXEMPTION–
IN MULTNOMAH COUNTY, OR

Decided: July 7, 2009

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 0.48-mile line of railroad between milepost 1.88 and milepost 2.36, near Portland, in Multnomah County, OR. Notice of the exemption was served on July 12, 2007, and published in the Federal Register on July 17, 2007 (72 FR 39136). The exemption became effective on August 11, 2007. In the July 12, 2007 notice, the Board stated that, if consummation has not been effected by BNSF's filing of a notice of consummation by July 12, 2008, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.¹ By decision served on July 8, 2008, the consummation date for the entire 0.48-mile line was extended until July 13, 2009.

On June 17, 2009, BNSF filed a request to extend, until September 30, 2009, the time to file its notice of consummation. In support, BNSF states that it is coordinating the salvage activity on the line with the Oregon Department of Transportation and the City of Portland and has encountered delays due to permitting requirements.

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. BNSF 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. BNSF's request for an extension of time to consummate the abandonment is granted.

¹ By decision served on August 10, 2007, the proceeding was reopened at the request of the Board's Section of Environmental Analysis and the exemption was made subject to three environmental conditions, and a historic preservation condition.

2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before September 30, 2009.
3. This decision is effective on its service date.

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

Anne K. Quinlan
Acting Secretary