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SERVICE DATE— NOVEMBER 4, 2019

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 33 (Sub-No. 339X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN HARRIS
AND CHAMBERS COUNTIES, TEX.

Decided: November 4, 2019

Union Pacific Railway Company (UP) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon a 2.23-mile portion of the U.S. Steel Industrial Lead between milepost 2.4 in Baytown and milepost 4.63 at the east side of Cedar Bayou, in Harris and Chambers Counties, Tex. (the Line). Notice of the exemption was served and published in the Federal Register on July 8, 2019 (84 Fed. Reg. 32,510). By decision served on August 6, 2019, the Board reopened this proceeding and imposed five conditions based on the recommendation of the Board's Office of Environmental Analysis. The exemption became effective on August 7, 2019.

Under 49 C.F.R. § 1152.29(e)(2), if a notice of consummation of abandonment is not filed within (i) one year after the service date of the decision permitting abandonment (provided there are no legal or regulatory barriers to consummation), or (ii) 60 days of the satisfaction, expiration, or removal of the last legal or regulatory barrier to consummation, whichever is later, the abandonment authority automatically expires. However, a railroad may request an extension of the consummation deadline, provided good cause is shown and the request is filed sufficiently in advance of the deadline to allow for timely processing.

The deadline to file a notice of consummation in this proceeding is July 8, 2020. On September 27, 2019, UP submitted a request to extend the deadline for filing a consummation notice by two years, until July 8, 2022, to allow for additional time to remove the Cedar Bayou Bridge located on the Line.

UP's request for two additional years to consummate the abandonment comes more than nine months before the current deadline. While a railroad must request an extension sufficiently in advance of the deadline to allow for timely action, UP's request would be more appropriately reviewed closer to the current deadline, as developments over the next several months may help inform whether an extension would be warranted at that time.

For these reasons, UP's request will be denied. Should UP determine that additional time is needed to consummate its abandonment as the July 8, 2020 deadline approaches, it may request an extension at that time.

It is ordered:

1. UP's request to extend the consummation notice deadline is denied.
2. This decision is effective on its service date.

By the Board, Allison C. Davis, Director, Office of Proceedings.