

35087  
DO

SERVICE DATE - LATE RELEASE OCTOBER 4, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 406X)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY—ABANDONMENT  
EXEMPTION—IN RENO COUNTY, KS

Decided: October 4, 2004

The Burlington Northern and Santa Fe Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a line of railroad between BNSF milepost 0.62 and milepost 3.50, near South Hutchinson, in Reno County, KS, a distance of approximately 2.88 miles. Notice of the exemption was served and published in the Federal Register on March 11, 2004 (69 FR 11707).

By decision and notice of interim trail use or abandonment (NITU) served April 8, 2004, the proceeding was reopened and a 180-day period was authorized for the City of South Hutchinson, KS (the City), to negotiate an interim trail use/rail banking agreement with BNSF for the subject line, under the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The trail use negotiating period is scheduled to expire on October 7, 2004.<sup>1</sup>

On September 13, 2004, and September 14, 2004, BNSF and the City, respectively, filed requests to extend the NITU negotiating period for an additional 180 days, because more time is necessary to complete the negotiations.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. An extension of the negotiating period will promote the establishment of trail use and rail banking consistent with the Trails Act.<sup>2</sup> Accordingly, the NITU negotiating period will be extended for an additional 180 days from October 7, 2004 (until April 5, 2005).

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

---

<sup>1</sup> The decision and notice also made the exemption subject to the condition that BNSF provide the National Geodetic Survey with 90 days' notice before beginning any salvage activities to plan for the potential relocation of six geodetic station markers.

<sup>2</sup> See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

It is ordered:

1. The requests to extend the NITU negotiating period are granted and the negotiating period is extended for an additional 180 days (until April 5, 2005).
2. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary