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SERVICE DATE – JANUARY 7, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 399X)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY–  
ABANDONMENT EXEMPTION–IN JEFFERSON COUNTY, NE

Decided: January 6, 2003

The Burlington Northern and Santa Fe Railway Company (BNSF) filed a verified notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 10.8-mile line of railroad between milepost 127.83, near Reynolds, and milepost 117.03, near Endicott, in Jefferson County, NE (line). Notice of the exemption was served and published in the Federal Register on December 10, 2002 (67 FR 75896). The exemption is scheduled to become effective on January 9, 2003.

On December 19, 2002, the United Transportation Union (UTU) filed a motion for a stay of the abandonment proceeding. UTU states that, according to its sources, and contrary to BNSF's certification pursuant to 49 CFR 1152.50(b), local traffic has apparently moved over the line within the last two years. BNSF has not replied to UTU's stay request. Because BNSF has not disputed UTU's contention that the line does not qualify for the abandonment exemption as an out-of-service line, the notice of exemption will be dismissed and the proceeding discontinued. In the absence of a BNSF demonstration, by January 17, 2003, that the line does qualify for the exemption, the dismissal of the notice and the discontinuance of the proceeding shall stand.

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

It is ordered:

1. The notice of exemption filed in this proceeding on November 20, 2002, is dismissed.
2. The proceeding is discontinued.

3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary