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SERVICE DATE – FEBRUARY 17, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 405X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN JEFFERSON, GAGE,
AND PAWNEE COUNTIES, NE¹

Decided: February 16, 2005

By decision served on March 1, 2004, the Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903 the abandonment by BNSF Railway Company (BNSF) of a line of railroad extending between milepost 57.80, near Pawnee, and milepost 117.03, near Endicott, a distance of approximately 59.23 miles, in Jefferson, Gage, and Pawnee Counties, NE, subject to environmental and standard employee protective conditions.² The decision stated that, if consummation has not been effected by the filing of a notice of consummation by March 1, 2005, and there are no legal or regulatory barriers to consummation at that time, the authority to abandon would automatically expire.

Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings. On February 4, 2005, BNSF filed a request for an extension of time to file its notice of consummation until December 31, 2005. BNSF states that additional time is needed because winter weather conditions have hampered the ability to conduct salvage activities. BNSF has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding. The extension request will therefore be granted.

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

¹ Effective January 20, 2005, The Burlington Northern and Santa Fe Railway Company changed its name to BNSF Railway Company.

² The March 1, 2004 decision also imposed several environmental conditions which remain in effect.

It is ordered:

1. BNSF's request for an extension of time to file a notice of consummation is granted.
2. The authority to abandon must be exercised, and the notice of consummation of the abandonment must be filed, on or before December 31, 2005.
3. This decision is effective on its date of service.

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

Vernon A. Williams
Secretary