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SERVICE DATE – NOVEMBER 22, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 404X)

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

Decided: November 19, 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 an approximately 9.28-mile line of railroad between BNSF milepost 87.02, near Blue Hill, and milepost 96.30, near Bladen, in Webster County, NE. Notice of the exemption was served and published in the Federal Register on June 4, 2003 (68 FR 33576). In the June 4 notice, the Board stated that, if consummation had not been effected by BNSF's filing of a notice of consummation by June 4, 2004, and there were no legal or regulatory barriers to consummation, 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 May 17, 2004, BNSF filed a request for an extension of time to file its notice of consummation until December 6, 2004. That request was granted by decision served on June 1, 2004. On November 16, 2004, BNSF again filed a request to extend, until December 6, 2005, the time to file its notice of consummation. BNSF states that it is in the process of scheduling the line for salvage and that the additional time is necessary due to scheduling conflicts and the winter season. 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.

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 6, 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