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SERVICE DATE - DECEMBER 30, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 384X)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY –  
ABANDONMENT EXEMPTION–IN MINNEHAHA COUNTY, SD

Decided: December 28, 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 2.98-mile line of its railroad between milepost 147.15 and milepost 150.13 near Sioux Falls, in Minnehaha County, SD.<sup>1</sup> The notice stated that, if consummation had not been effected by BNSF's filing of a notice of consummation by August 11, 2000, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire.<sup>2</sup> 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 18, 2004, BNSF filed such an extension request. By decision served May 8, 2004, the due date for filing a notice of consummation was extended until December 31, 2004.

On December 23, 2004, BNSF requested a further extension, until December 31, 2005, of the deadline for consummation of the abandonment and for its filing of the notice of consummation. BNSF states that winter weather constraints have hampered the ability to conduct salvage activities. The request will be granted.

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

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<sup>1</sup> Notice of the exemption was served and published in the Federal Register on August 11, 1999 (64 FR 43813-14).

<sup>2</sup> By decision served September 9, 1999, the exemption was made subject to the conditions that BNSF: (1) consult with the National Geodetic Survey (NGS) and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic station marker; and (2) retain its interest in and take no steps to alter the historic integrity of the line in its entirety until the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. By decision served April 13, 2004, the section 106 historic preservation condition was removed. The April 13 decision noted that the NGS condition remained in effect.

It is ordered:

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

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

Vernon A. Williams  
Secretary