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SERVICE DATE – OCTOBER 1, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 458X)

BNSF RAILWAY COMPANY–ABANDONMENT EXEMPTION–IN
LOGAN COUNTY, CO

Decided: September 30, 2008

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon approximately 0.44 miles of rail line, extending between milepost 229.66 and milepost 230.10, near Sterling, Logan County, CO. Notice of the exemption was served and published in the Federal Register on October 1, 2007 (72 FR 55857). The exemption became effective on October 31, 2007. In the October 1, 2007 notice, the Board stated that, if consummation has not been effected by BNSF’s filing of a notice of consummation by October 1, 2008, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.¹

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 September 24, 2008, BNSF filed a request to extend, until October 1, 2009, the time to consummate the abandonment. In support, BNSF states that it has encountered difficulties with salvaging the line. BNSF has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding. Accordingly, the request will be granted.

This decision 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 consummate the abandonment is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before October 1, 2009.

¹ By decision served on October 30, 2007, the proceeding was reopened at the request of the Board’s Section of Environmental Analysis and the exemption was made subject to a historic preservation condition. Subsequently, by decision served on April 29, 2008, the proceeding was again reopened and the previously imposed historic preservation condition was removed.

3. This decision is effective on its service date.

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

Anne K. Quinlan
Acting Secretary