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SERVICE DATE – JUNE 2, 2006

SURFACE TRANSPORTATION BOARD

DECISION

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

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN WEBSTER
COUNTY, NE

Decided: June 1, 2006

BNSF 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. By decisions served on June 1, 2004, November 22, 2004, and November 25, 2005, the Board granted requests from BNSF for extensions of time to file its notice of consummation, most recently until June 1, 2006. On May 30, 2006, BNSF again filed a request to extend, until December 1, 2006, the time to file its notice of consummation. BNSF states that more time is necessary to salvage two bridges on 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. The extension request will therefore 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 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 1, 2006.

3. This decision is effective on the date of service.

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

Vernon A. Williams
Secretary