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SERVICE DATE – NOVEMBER 25, 2005

SURFACE TRANSPORTATION BOARD

DECISION

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

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN WEBSTER  
COUNTY, NE<sup>1</sup>

Decided: November 23, 2005

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, and November 22, 2004, the Board granted requests from BNSF for extensions of time to file its notice of consummation, most recently until December 6, 2005. On November 17, 2005, BNSF again filed a request to extend, until June 1, 2006, the time to file its notice of consummation. BNSF states that the line is still being salvaged at this time and that, due to the upcoming winter months, additional time is necessary to complete the salvage. 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.

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<sup>1</sup> Effective January 20, 2005, The Burlington Northern and Santa Fe Railway Company changed its name to BNSF Railway Company. The title of this proceeding has been modified accordingly.

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 June 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