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SERVICE DATE – DECEMBER 29, 2005

Project as described is cleared of Farmland Protection  
Policy Act (FPPA) concerns.

SURFACE TRANSPORTATION BOARD

DECISION

  
State Conservationist

1/23/06  
Date

STB Docket No. AB-6 (Sub-No. 409X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN JEFFERSON,  
THAYER AND NUCKOLLS COUNTIES, NE, AND REPUBLIC COUNTY, KS

Decided: December 27, 2005

By decision served on July 27, 2004, the Board under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903, the abandonment and discontinuance of service by The Burlington Northern and Santa Fe Railway Company, now BNSF Railway Company (BNSF), of a 39.95-mile line of railroad extending from milepost 167.78 near Superior, NE, to milepost 127.83 near Reynolds, NE, in Jefferson, Thayer and Nuckolls Counties, NE, and Republic County, KS, subject to environmental and standard employee protective conditions. The July 27, 2004 decision stated that, if consummation had not been effected by BNSF's filing of a notice of consummation by July 27, 2005, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire. By decision served June 6, 2005, the time to file a notice of consummation was extended until December 31, 2005, at the request of BNSF.<sup>1</sup>

On December 21, 2005, BNSF filed a request to further extend, until July 1, 2006, the time to file its notice of consummation. BNSF states that additional time is necessary because winter weather conditions have hampered the ability to conduct salvage activities. BNSF has shown good cause to extend the time to file a notice of consummation in this proceeding. Accordingly, the extension 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 file a notice of consummation of the abandonment is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before July 1, 2006.

<sup>1</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.

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