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September 22, 2004

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

212063

Re: Surface Transportation Board Docket No. AB-6 (Sub-No. 400X); The Burlington Northern and Santa Fe Railway Company Abandonment between Franklin and Red Cloud, in Franklin and Webster Counties, Nebraska

Dear Secretary Williams:

Please reference Charles Montange's letter to the Board, dated September 17, 2004, regarding the above-referenced abandonment. Mr. Montange is representing the Nebraska Trails Foundation, Inc. ("NTF") in railbanking negotiations with BNSF with respect to this abandoned line.

On April 3, 2003, the Board issued a decision in the above-referenced proceeding imposing a notice of interim trail use/rail banking ("NITU") condition. The Board imposed a deadline of October 1, 2003 on the NITU. Due to ongoing negotiations with NTF, BNSF requested an extension of the NITU for an additional 180 days. On September 29, 2003, the STB extended the NITU negotiating period to March 28, 2004. By decision served March 26, 2004, the STB extended the NITU for a second time (until September 24, 2004) due to ongoing negotiations between NTF and BNSF. To date, NTF and BNSF are still in ongoing negotiations and have both determined that additional time will be needed. BNSF concurs with NTF's request for an additional 90-day extension from the September 24, 2004 deadline (until December 23, 2004).

If you have any questions, please contact me at (202) 347-8667.

Sincerely,

Sidney L. Strickland, Jr.

SLS/js

cc: Charles Montange (for Nebraska Trails Foundation, Inc.)
Ross Greathouse (for Nebraska Trails Foundation, Inc.)
James Gallegos
Lola LaCrosse
Richard Batie
John Sims

