

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 465X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN KING COUNTY, WA

Decided: September 24, 2009

By decision and notice of interim trail use or abandonment (NITU) served on November 28, 2008 (November 2008 decision), the Board granted the petition for exemption filed by BNSF Railway Company (BNSF) for abandonment of a 12.55-mile rail line that extends from milepost 11.25, near Wilburton, to milepost 23.80, in Woodinville, King County, WA. The exemption was subject to environmental, historic preservation, and standard employee protective conditions,<sup>1</sup> as well as a trail use condition authorizing a 180-day period for King County, WA (King County), to negotiate an interim trail use/railbanking agreement with BNSF. The exemption became effective on December 28, 2008. The November 2008 decision stated that, if consummation has not been effected by BNSF's filing of a notice of consummation by November 28, 2009, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire. By decision served on May 12, 2009, the NITU negotiating period was extended until October 22, 2009.

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 letter filed September 14, 2009, BNSF requests an extension of the consummation deadline, until April 20, 2010. BNSF states that it is continuing to negotiate with King County regarding trail use and other matters involving related lines.<sup>2</sup> Good cause has been shown, and the deadline for filing the notice of consummation will be extended to April 20, 2010.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

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<sup>1</sup> By decision served on March 26, 2009, the section 106 historic preservation condition was removed. The environmental condition regarding fish barriers, as originally imposed in the November 2008, remains in effect.

<sup>2</sup> The two related lines are the subject of the following proceedings: BNSF Railway Company—Abandonment Exemption—in King County, WA, STB Docket No. AB-6 (Sub-No. 463X) and BNSF Railway Company—Abandonment Exemption—in King County, WA, STB Docket No. AB-6 (Sub-No. 464X).

It is ordered:

1. BNSF's request for an extension of time to exercise the abandonment authority is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before April 20, 2010.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Anne K. Quinlan  
Acting Secretary