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SERVICE DATE – OCTOBER 21, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 418X)

BNSF RAILWAY COMPANY-ABANDONMENT EXEMPTION-IN GRAND FORKS
COUNTY, ND¹

Decided: October 20, 2005

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments to abandon a 6.50-mile line of railroad between BNSF milepost 0.00 near Hannah Junction and milepost 6.50 near McCanna, in Grand Forks County, ND. Notice of the exemption was served and published in the Federal Register on October 22, 2004 (69 FR 62117). The exemption became effective on November 23, 2004. In the October 22, 2004 notice, the Board stated that, if consummation has not been effected by BNSF's filing of a notice of consummation by October 22, 2005, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.²

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. On October 19, 2005, BNSF filed a request to extend the deadline for filing its notice of consummation until June 1, 2006. According to BNSF, the line is being salvaged at this time, and due to the upcoming winter months, the extension will allow time for completion of the salvage of 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. Accordingly, the request will be granted.

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

¹ 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 changed accordingly.

² By decision served November 22, 2004, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to the conditions that BNSF: (1) consult with the National Geodetic Survey (NGS) and provide NGS with 90 days' notice prior to salvage activities to plan for the relocation of the geodetic station marker; and (2) prior to salvage activities contact the North Dakota Parks and Recreation Department (Kathy Duttonhefner, 701-328-5370) regarding the revegetation of any impacted areas. The environmental conditions remain in effect.

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 June 1, 2006.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary