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SEC

SERVICE DATE – DECEMBER 15, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42089

ALBANY & EASTERN RAILROAD COMPANY

v.

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY

Decided: December 14, 2004

On November 12, 2004, Albany & Eastern Railroad Company (AERC) filed a complaint pursuant to 49 CFR 1108.7(a), to commence arbitration of a dispute with The Burlington Northern and Santa Fe Railway Company (BNSF). Under 49 CFR 1108.7(c), a defendant willing to enter into arbitration must, within 30 days of the date of a complaint, answer the complaint in writing. On December 13, 2004, BNSF filed a request for a 30-day extension of time to file its answer to AERC's complaint. According to BNSF, it has not yet determined whether it is willing to enter into arbitration and desires more time to investigate the matter. BNSF states that it has been authorized to represent that AERC does not oppose the extension request.

The request for an extension of time to file BNSF's answer is reasonable and 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. The due date to file an answer is extended to January 12, 2005.
2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary