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SERVICE DATE – DECEMBER 28, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 413X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN WASHINGTON  
COUNTY, MN

Decided: December 23, 2005

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 0.99-mile line of railroad between BNSF milepost 11.81 and milepost 12.80 in Stillwater, Washington County, MN. Notice of the exemption was served and published in the Federal Register on May 28, 2004 (69 FR 30747). The exemption became effective on June 29, 2004. In the May 28, 2004 notice, the Board stated that, if consummation had not been effected by BNSF's filing of a notice of consummation by May 28, 2005, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire. The deadline to file a notice of consummation was extended until December 31, 2005, by decision served on May 10, 2005.

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 December 21, 2005, BNSF filed a request for an extension of time to file its notice of consummation until July 1, 2006. BNSF states that winter weather conditions have hampered the ability to conduct salvage activities.

BNSF has shown good cause to extend the time to consummate the abandonment and for filing of a notice of consummation in this proceeding. Accordingly, the request will be granted.

This action 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 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 July 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