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SERVICE DATE – MAY 31, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 424X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN DAWSON
AND McCONE COUNTIES, MT

Decided: May 30, 2006

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 43.41-mile line of railroad extending between milepost 7.00 near Glendive and milepost 50.41 in Circle, in Dawson and McCone Counties, MT. Notice of the exemption was served and published in the Federal Register on November 5, 2004 (69 FR 64631). In the November 5, 2004 notice, the Board stated that, if consummation had not been effected by BNSF's filing of a notice of consummation by November 5, 2005, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire.¹ At the request of BNSF, the deadline to file a notice of consummation was extended until June 1, 2006, by decision served on November 4, 2005.²

On May 18, 2006, BNSF filed a request to further extend the deadline for filing its notice of consummation until June 1, 2007. BNSF states that scheduling difficulties have hampered salvage activities. 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 By decision served on December 6, 2004, the proceeding was reopened at the request of the Board's Section of Environmental Analysis and the exemption was made subject to the conditions that BNSF: (1) retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470(f); (2) contact the Montana Department of Environmental Quality to evaluate any storm water discharge permitting requirements prior to the commencement of any salvage activities; and (3) notify the National Geodetic Survey 90 days prior to salvage activities to plan for relocation of the 11 geodetic station markers identified on the line. The environmental and historic conditions remain in effect.

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.

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, 2007.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary