

38490
DO

SERVICE DATE – OCTOBER 26, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 453X)

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

Decided: October 25, 2007

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon approximately 0.65 miles of rail line, extending between milepost 10.60 and milepost 11.25, near Wilburton, in King County, WA. Notice of the exemption was served and published in the Federal Register on November 8, 2006 (71 FR 65567-68). Pursuant to 49 CFR 1152.29(e)(2), the notice stated that, if consummation had not been effected by BNSF's filing of a notice of consummation by November 8, 2007, and there were no legal or regulatory barriers to consummation,¹ the authority to abandon would automatically expire. That provision provides, however, that a railroad may file, for good cause shown, a request for an extension of time to file a notice of consummation in an abandonment proceeding.

In a letter filed on October 17, 2007, BNSF requests that the Board extend, for 1 year (until November 8, 2008), the time to consummate the abandonment. BNSF states that the extension is necessary because it has had scheduling difficulties with its salvagers, due to the large number of abandonments that it currently has in process. Good cause has been shown, and the deadline for filing the notice of consummation will be extended to November 8, 2008.

This decision 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 a 1-year 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 November 8, 2008.

¹ By decision served on December 7, 2006, the Board imposed several conditions on this abandonment exemption proceeding. However, because the conditions require only consultation with appropriate authorities prior to the commencement of any salvage activities, they do not constitute barriers to consummation.

3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary