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SERVICE DATE – DECEMBER 29, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 414X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN MODOC AND  
SISKIYOU COUNTIES, CA

Decided: December 27, 2005

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152.50 Subpart F-Exempt Abandonments to abandon and discontinue service over a 33.77-mile line of railroad between milepost 0.00 near Lookout, and milepost 33.77 near Hambone, in Modoc and Siskiyou Counties, CA. Notice of the exemption was served and published in the Federal Register on May 21, 2004 (69 FR 29347). The notice stated that, if consummation had not been effected by BNSF's filing of a notice of consummation by May 25, 2005, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire.<sup>1</sup>

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 April 14, 2005, BNSF filed a request to extend, until December 31, 2005, the time to consummate the abandonment and to file its notice of consummation. BNSF's request was granted by decision served April 29, 2005. On December 21, 2005, BNSF filed a request to further extend the deadline for filing its notice of consummation until July 1, 2006. According to BNSF, the extension is necessary because 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 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.

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<sup>1</sup> On June 21, 2004, a decision and notice of interim trail use was served that reopened the proceeding to implement interim trail use/rail banking for the entire line under 49 CFR 1152.29 and the National Trails System Act, 16 U.S.C. 1247(d), and provided a 180-day period for Rails to Trails Conservancy to negotiate an interim trail use/rail banking agreement with BNSF for the right-of-way in this proceeding. The June 21 decision also imposed several environmental conditions and a section 106 historic preservation condition. By decision served May 25, 2005, the section 106 condition was removed. The other environmental conditions remain in effect.

It is ordered:

1. BNSF's request for an extension of time to consummate the abandonment 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 date of service.

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

Vernon A. Williams  
Secretary