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SERVICE DATE – MAY 25, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 425X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN CHASE, MORRIS,  
MARION AND DICKINSON COUNTIES, KS

Decided: May 23, 2006

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 25.57-mile line of railroad between BNSF milepost 0.00 near Neva and milepost 25.45 near Lost Springs, in Chase, Morris, Marion and Dickinson Counties, KS. Notice of the exemption was served and published in the Federal Register on September 29, 2004 (69 FR 58226-27). The exemption became effective on October 29, 2004. In the September 29, 2004 notice, the Board stated that, if consummation has not been effected by BNSF's filing of a notice of consummation by September 29, 2005, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.<sup>1</sup> In a decision served on September 28, 2005, the deadline to file a notice of consummation was extended until June 1, 2006.

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. By letter filed on May 18, 2006, BNSF requests that the Board extend, for one year (until June 1, 2007), the time to consummate the abandonment. BNSF states that scheduling difficulties with salvagers have hampered salvage activities. Good cause has been shown, and the deadline for filing the notice of consummation will be extended to June 1, 2007.

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 a 1-year extension to time to exercise the abandonment authority is granted.

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<sup>1</sup> By decision served October 26, 2004, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to five environmental conditions, which remain in effect.

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