

SURFACE TRANSPORTATION BOARD

DECISION

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

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN CHASE, MORRIS,
MARION AND DICKINSON COUNTIES, KS¹

Decided: September 28, 2005

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.²

On September 27, 2005, BNSF submitted a request to extend until June 1, 2006, the time to consummate the abandonment and to file its notice of consummation. BNSF states that it is currently studying the feasibility of retaining the track segment for intermodal railcar storage. BNSF further states that, should this not be the case, BNSF would then begin the salvage process, which may be delayed by weather, as winter is also approaching.

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.

¹ Effective January 20, 2005, The Burlington Northern and Santa Fe Railway Company changed its name to BNSF Railway Company.

² 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.

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, 2006.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary