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SERVICE DATE – DECEMBER 14, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 435X)

BNSF RAILWAY COMPANY–ABANDONMENT EXEMPTION–
IN ROCK ISLAND AND WHITESIDE COUNTIES, IL

Decided: December 12, 2006

BNSF Railway Company (BNSF) and Iowa, Chicago & Eastern Railroad Corporation (ICE) (together, Applicants), jointly filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments and Discontinuances of Service for BNSF to abandon, and ICE to discontinue service over, approximately 5.09 miles of railroad between milepost 20.31 and milepost 25.40, near Albany, in Rock Island and Whiteside Counties, IL. Notice of the exemption was served on December 27, 2005, and published in the Federal Register on December 28, 2005 (70 FR 76912-13).¹ The notice provided that, if consummation of the abandonment has not been effected by BNSF’s filing of a notice of consummation by December 27, 2006, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

By decision and notice of interim trail use or abandonment (NITU) served on January 25, 2006, the proceeding was reopened and a 180-day period was authorized for the Village of Albany (Village) to negotiate an interim trail use/rail banking agreement with BNSF for the subject line, under the National Trails System Act, 16 U.S.C. 1247(d). The trail use negotiation period under the NITU expired on July 25, 2006.² By decision served on July 21, 2006, the Village’s request to extend the interim trail use negotiating period and the public use condition was denied.

On November 29, 2006, BNSF filed a request to extend, until December 31, 2007, the time to file its notice of consummation. BNSF states that winter weather conditions have hampered the ability to conduct salvage activities.

¹ The notice served on December 27, 2005, and published on December 28, 2005, also embraced STB Docket No. 987X, Iowa, Chicago & Eastern Railroad Corporation–Discontinuance of Service Exemption–in Rock Island and Whiteside Counties, IL, in which ICE was granted an exemption to discontinue service over the line.

² The January 25, 2006 decision imposed a public use condition, which also expired on July 25, 2006, and several environmental conditions, which remain in effect.

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. Good cause has been shown and the deadline for filing the notice of consummation will be extended to December 31, 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 an extension of time to file a notice of consummation is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before December 31, 2007.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary