

SERVICE DATE – MAY 5, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42089

ALBANY & EASTERN RAILROAD COMPANY

v.

BNSF RAILWAY COMPANY

Decided: May 4, 2005

On November 12, 2004, Albany & Eastern Railroad Company (AERC) filed a complaint pursuant to 49 CFR 1108.7(a), to commence arbitration of a dispute with BNSF Railway Company (BNSF).<sup>1</sup> Under 49 CFR 1108.7(c), a defendant willing to enter into arbitration must, within 30 days of the date of a complaint, answer the complaint in writing. BNSF has previously requested extensions of time to file its answer to AERC's complaint. By decisions served on December 15, 2004, January 13, 2005, February 15, 2005, March 22, 2005, April 6, 2005, and April 19, 2005, BNSF's requests were granted, with the time to file an answer most recently extended to April 28, 2005.

In a letter filed on April 28, 2005, AERC requests that the Board enter an order holding the complaint in abeyance pending further Board action. AERC states that, if the Board holds the proceeding in abeyance, BNSF would not be required to file an answer to the complaint at this time. AERC further states that, in its view, the parties have made enough progress toward settlement that it is appropriate to hold the complaint in abeyance rather than extend the answer date on multiple occasions. AERC states that counsel for BNSF has authorized it to state that BNSF concurs in this request.

The request to hold the proceeding in abeyance is reasonable and will be granted.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

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

It is ordered:

1. This proceeding is held in abeyance pending further Board action.
2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary