

35788
DO

SERVICE DATE – APRIL 29, 2005

SURFACE TRANSPORTATION BOARD

DECISION

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

BNSF RAILWAY COMPANY–ABANDONMENT EXEMPTION–
IN MODOC AND SISKIYOU COUNTIES, CA¹

Decided: April 27, 2005

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 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). In the notice served May 21, 2004, the Board stated that, if consummation has not been effected by BNSF's filing of a notice of consummation by May 21, 2005, and there are no legal or regulatory barriers to consummation at that time, the authority to abandon will automatically expire.

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 for an extension of time to file its notice of consummation until December 31, 2005. BNSF states that winter weather conditions 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. The extension request will therefore be granted.

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.

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

2. The authority to abandon must be exercised, and the notice of consummation of the abandonment must be filed, on or before December 31, 2005.

3. This decision is effective on its date of service.

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

Vernon A. Williams
Secretary