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SERVICE DATE - MAY 14, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 395X)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY
COMPANY—ABANDONMENT EXEMPTION —IN CHEROKEE COUNTY, KS,
AND JASPER COUNTY, MO

Decided: May 9, 2003

The Burlington Northern and Santa Fe Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 28.25-mile line of railroad between milepost 343.55 in Columbus, Cherokee County, KS, and milepost 315.30 in Carthage, Jasper County, MO. Notice of the exemption was served and published in the Federal Register on May 23, 2002 (67 FR 36298). The notice of exemption stated that, if consummation had not been effected by BNSF's filing of a notice of consummation by May 23, 2003, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.¹ By decision served June 21, 2002, the proceeding was reopened and the City of Carl Junction and the Joplin Trail Coalition were authorized to negotiate an interim trail use/rail banking agreement with BNSF, pursuant to section 8(d) of the National Trails System Act, 16 U.S.C. 1247(d). The negotiation period was scheduled to expire on December 19, 2002, but was extended to June 17, 2003, by decision served December 19, 2002.

On April 16, 2003, BNSF filed a request to extend the deadline for filing of the notice of consummation until October 31, 2003. BNSF stated that an extension is necessary due to imposition of the historical condition, ongoing negotiations (particularly with respect to the properties in the State of Missouri), and delays in clearing the condition barring disposition. 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. BNSF has shown good cause to extend the time to

¹ The June 21 decision also imposed environmental conditions and a public use condition. The public use condition expired on December 19, 2003. By decision served November 20, 2003, the section 106 historic preservation condition was removed. The November 20 decision noted that the other conditions imposed in the June 21 decision remain.

consummate the abandonment and for filing a notice of consummation. Accordingly, the deadline for filing the notice of consummation will be extended to October 31, 2003.

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 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 October 31, 2003.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary