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SERVICE DATE - APRIL 27, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 417X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—
IN CLAY COUNTY, MN¹

Decided: April 26, 2005

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 15.91-mile line of railroad between milepost 18.09 near Glyndon and milepost 34.00 near Felton, in Clay County, MN. Notice of the exemption was served and published in the Federal Register on May 25, 2004 (69 FR 29782). The exemption became effective on June 24, 2004. In the May 25, 2004 notice, the Board stated that, if consummation has not been effected by BNSF's filing of a notice of consummation by May 25, 2005, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.²

On April 22, 2005, BNSF submitted a request to extend until December 31, 2005, the time to consummate the abandonment and to file its notice of consummation. BNSF states that winter weather conditions have 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. 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 June 23, 2004, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to four environmental conditions. By decision served November 3, 2004, the historic preservation condition that was imposed in the June 23, 2004 decision was removed. The other conditions 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 December 31, 2005.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary