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SERVICE DATE – OCTOBER 6, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 430X)¹

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN OKLAHOMA
COUNTY, OK

Decided: October 5, 2006

BNSF Railway Company (BNSF) and Stillwater Central Railroad, Inc. (SLWC) jointly filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments and Discontinuances of Service, for BNSF to abandon, and for SLWC to discontinue service over, approximately 2.95 miles of railroad between milepost 539.96 and milepost 542.91 in Oklahoma City, Oklahoma County, OK. Notice of the exemption was served and published in the Federal Register on October 13, 2005 (70 FR 59802). The exemption notice stated that, if consummation had not been effected by BNSF's filing of a notice of consummation by October 13, 2006, and there were no legal or regulatory barriers to consummation, the authority to abandon would 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 September 19, 2006, BNSF filed a request to extend, until December 31, 2007, the time to consummate the abandonment. BNSF states that the extension is necessary because scheduling difficulties with salvagers due to BNSF's heavy volume of abandonments have hampered 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.²

¹ The notice served and published on October 13, 2005, embraced STB Docket No. AB-1040X, Stillwater Central Railroad, Inc.—Discontinuance of Service Exemption—in Oklahoma County, OK.

² By decision served on November 10, 2005, this proceeding was reopened and five environmental conditions were imposed on the abandonment. The extension requested is being granted here as justified, although the prior decision made clear that this abandonment could not be consummated until all environmental conditions were satisfied. That event has not yet occurred. Also, a petition filed by Bio-Energy Wellness Center and the North American Transportation Institute to reject the joint notice of exemption filed by BNSF and SLWC in this proceeding and the related STB Docket No. AB-1040X remains pending. Until that request is resolved, the Board has continuing jurisdiction over this matter.

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 consummate the abandonment 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 date of service.

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

Vernon A. Williams
Secretary