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SERVICE DATE – FEBRUARY 27, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 433X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN CLAY AND
NORMAN COUNTIES, MN

Decided: February 26, 2007

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 5.40-mile line of railroad between BNSF's milepost 15.60, near Georgetown in Clay County, MN, and milepost 21.00, near Perley in Norman County, MN. Notice of the exemption was served and published in the Federal Register on March 8, 2006 (71 FR 11707). The exemption became effective on April 7, 2006. In the March 8, 2006 notice, the Board stated that, if consummation has not been effected by BNSF's filing of a notice of consummation by March 8, 2007, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.¹

On February 15, 2007, BNSF filed a request to extend, until March 8, 2008, the time to file its notice of consummation. BNSF states that, because of the numerous abandonments it has currently in process, it has encountered scheduling difficulties with its salvagers. BNSF also states that this has led to a delay in the completion of necessary salvage activities.

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. Good cause has been shown and the deadline for filing the notice of consummation will be extended to March 8, 2008.

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

¹ By decision served on April 6, 2006, the proceeding was reopened at the request of the Board's Section of Environmental Analysis and the exemption was made subject to seven environmental conditions. One of the conditions that was imposed required BNSF to retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f. By decision served on September 20, 2006, the section 106 historic preservation condition was removed. The other six environmental conditions remain in effect.

It is ordered:

1. BNSF's request for an extension of time to file a notice of consummation is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before March 8, 2008.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary