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SEC

SERVICE DATE – JANUARY 13, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42089

ALBANY & EASTERN RAILROAD COMPANY

v.

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY

Decided: January 12, 2005

On November 12, 2004, Albany & Eastern Railroad Company (AERC) filed a complaint pursuant to 49 CFR 1108.7(a), to commence arbitration of a dispute with The Burlington Northern and Santa Fe Railway Company (BNSF). Under 49 CFR 1108.7(c), a defendant willing to enter into arbitration must, within 30 days of the date of a complaint, answer the complaint in writing. On December 13, 2004, BNSF filed a request for a 30-day extension of time until January 12, 2005, to file its answer to AERC's complaint. By decision served on December 15, 2004, BNSF's request was granted.

On January 10, 2005, BNSF filed a request for an additional 30-day extension of time until February 11, 2005, to file its answer to AERC's complaint. BNSF states that it is continuing to investigate the matter and needs more time to determine its position. BNSF adds that it has been authorized to represent that AERC does not oppose the extension request.

BNSF's request for an extension of time to file its answer is reasonable and will be granted.

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

It is ordered:

1. The due date for BNSF to file its answer is extended to February 11, 2005.

2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary