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SERVICE DATE - MAY 1, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 393X)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY  
COMPANY-ABANDONMENT EXEMPTION -IN NELSON  
AND EDDY COUNTIES, ND

Decided: April 25, 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 and discontinue service over a 6.00-mile line of railroad between milepost 92.00 in Tolna and milepost 98.00 in Hamar, in Nelson and Eddy Counties, ND. Notice of the exemption was served and published in the Federal Register on May 9, 2000 (67 FR 31400). The notice stated that, if consummation had not been effected by BNSF's filing of a notice of consummation by May 9, 2003, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.<sup>1</sup> 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 April 16, 2003, BNSF filed a request to extend the deadline for filing its notice of consummation until September 30, 2003. According to BNSF, the extension is necessary due to weather-related delays and salvage scheduling. The salvage operations are not planned to be completed until approximately September 30, 2003.

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

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<sup>1</sup> By decision served June 7, 2002, the proceeding was reopened at the request of the Board's Section of Environmental Analysis and the exemption was made subject to the conditions that BNSF: (1) consult with the North Dakota Department of Health prior to salvage activities; and (2) consult with the National Geodetic Survey (NGS) and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic station markers in order to plan for their relocation. The environmental conditions remain in effect.

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 September 30, 2003.
3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary