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SERVICE DATE – JUNE 30, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 414X)

BNSF RAILWAY COMPANY–ABANDONMENT EXEMPTION–
IN MODOC AND SISKIYOU COUNTIES, CA

Decided: June 29, 2006

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon and discontinue service over a 33.77-mile line of railroad between milepost 0.00 near Lookout, and milepost 33.77 near Hambone, in Modoc and Siskiyou Counties, CA. Notice of the exemption was served and published in the Federal Register on May 21, 2004 (69 FR 29347). In the May 21 notice, the Board stated that, if consummation had not been effected by BNSF’s filing of a notice of consummation by May 21, 2005, 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. By decisions served April 29, 2005, and December 29, 2005, the Board granted BNSF’s requests for extensions of time to file its notice of consummation, so that the current deadline is July 1, 2006. On June 26, 2006, BNSF filed a request to further extend until December 31, 2006, the time to file its notice of consummation as to the 6.50-mile portion of the line between milepost 0.00 and milepost 6.50. BNSF states that the additional time is needed to determine whether it will use this portion of the right-of-way for railroad purposes. Additionally, in a separate letter filed on June 23, 2006, BNSF advised the Board that it is consummating the abandonment of the portion of the line between milepost 6.50 and milepost 33.77.

BNSF has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding. Therefore, the request 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. BNSF’s request for an extension of time to file a notice of consummation is granted.

2. The authority to abandon the portion of the line between milepost 0.00 and milepost 6.50 must be exercised, and the notice of consummation must be filed, on or before December 31, 2006.

3. This decision is effective on its date of service.

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

Vernon A. Williams
Secretary