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SERVICE DATE - AUGUST 7, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 402X)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY
–ABANDONMENT EXEMPTION–
IN KING COUNTY, WA

Decided: July 30, 2003

On December 27, 2002, The Burlington Northern and Santa Fe Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon its 0.17-mile line of railroad between Station 258 + 07 and Station 267 + 00, in Seattle, King County, WA. Notice of the exemption was served and published in the Federal Register on January 16, 2003 (68 FR 2397). On February 14, 2003, a decision and notice of interim trail use or abandonment (NITU) was served, reopening the proceeding and authorizing a 180-day period for the City of Seattle (City) to negotiate an interim trail use/rail banking agreement with BNSF for the right-of-way involved in this proceeding. The negotiating period under the NITU is scheduled to expire on August 13, 2003.

On July 17, 2003, BNSF filed a request to extend the negotiating period for an additional 180 days. BNSF states that it is continuing to negotiate with the City, but that more time is needed to finalize negotiations.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.¹ Under the circumstances, an extension of the negotiating period is warranted and will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the negotiating period will be extended for an additional 180 days from August 13, 2003 (until February 9, 2004).

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

¹ See Rail Abandonments–Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

It is ordered:

1. BNSF's request to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended for 180 days until February 9, 2004.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary