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SERVICE DATE – MARCH 9, 2010

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 449X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN SWIFT
COUNTY, MN

Decided: March 8, 2010

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a rail line between Engineering Stations 0 + 00 and 28 + 61, near Appleton, in Swift County, MN, a distance of 0.54 miles. Notice of the exemption was served and published in the Federal Register on April 4, 2007 (72 FR 16409). The exemption became effective on May 4, 2007.¹ In the April 4, 2007 notice, the Board stated that, if consummation had not been effected by BNSF's filing of a notice of consummation by April 4, 2008, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire. At the request of BNSF, the Board, by decision served on March 26, 2008, extended the deadline for BNSF to file its notice of consummation in this proceeding through April 3, 2009. By decision served April 3, 2009, at BNSF's request, the Board granted another extension to April 2, 2010.

In a letter filed February 25, 2010, BNSF states that, due to early winter weather conditions in Minnesota this year, BNSF's contractor has been unable to complete salvage work. According to the railroad, all that remains is removal of the bridge pilings, which work will be completed as soon as weather conditions allow. BNSF seeks a new extension of the deadline for filing its notice of consummation to October 4, 2010.

Under 49 CFR 1152.29(e)(2), a railroad may, for good cause, file a request for an extension of time to file a notice of consummation in abandonment proceedings. BNSF has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding. According, the request will be granted.

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

¹ By decision served on May 3, 2007, the proceeding was reopened at the request of the Board's Section of Environmental Analysis and the exemption was made subject to four environmental conditions, which 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 October 4, 2010.
3. This decision is effective on its date of service.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.