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SERVICE DATE – MAY 10, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 413X)

BNSF RAILWAY COMPANY–ABANDONMENT EXEMPTION–
IN WASHINGTON COUNTY, MN¹

Decided: May 5, 2005

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 0.99-mile line of railroad between BNSF milepost 11.81 and milepost 12.80 in Stillwater, Washington County, MN. Notice of the exemption was served and published in the Federal Register on May 28, 2004 (69 FR 30747). The exemption became effective on June 29, 2004. In the May 28, 2004 notice, the Board stated that, if consummation has not been effected by BNSF's filing of a notice of consummation by May 28, 2005, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.²

On April 22, 2005, BNSF submitted a request to extend until December 31, 2005, the time to consummate the abandonment and to file its notice of consummation. BNSF states that winter weather conditions have hampered the ability to conduct salvage activities.

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

¹ Effective January 20, 2005, The Burlington Northern and Santa Fe Railway Company changed its name to BNSF Railway Company.

² By decision served June 25, 2004, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to six environmental conditions. By decision served November 10, 2004, the proceeding was again reopened, and the six conditions were removed because SEA had advised the Board that BNSF had fulfilled them.

It is ordered:

1. BNSF's request for an extension of time to exercise the abandonment authority is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before December 31, 2005.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary