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SERVICE DATE – DECEMBER 30, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 405X)

BNSF RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN JEFFERSON, GAGE, AND PAWNEE COUNTIES, NE

Decided: December 28, 2005

BNSF Railway Company (BNSF) filed a petition for exemption under 49 CFR 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a 59.23-mile line of railroad between BNSF milepost 57.80 near Pawnee and milepost 117.03 near Endicott, in Jefferson, Gage, and Pawnee Counties, NE. Notice of the petition was served and published in the Federal Register on December 2, 2003 (69 FR 67508). The Board granted BNSF's abandonment petition in a decision served on March 1, 2004. In that decision, the Board stated that, if consummation had not been effected by BNSF's filing of a notice of consummation by March 1, 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 decision served on February 17, 2005, the Board granted BNSF's request to extend until December 31, 2005, the time to consummate the abandonment and to file its notice of consummation. On December 21, 2005, BNSF filed a request to further extend, until July 1, 2006, the time to file its notice of consummation as to the 57.11-mile portion of the line between milepost 57.80 and milepost 114.91. BNSF states that it consummated abandonment of the portion of the line between milepost 114.91 and milepost 117.03, effective March 10, 2005. 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. 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 exercise the abandonment authority is granted.
2. The authority to abandon the portion of the line between milepost 57.80 and milepost 114.91 must be exercised, and the notice of consummation must be filed, on or before July 1, 2006.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary