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SERVICE DATE – JUNE 6, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 409X)

BNSF RAILWAY COMPANY–ABANDONMENT EXEMPTION–IN JEFFERSON,
THAYER AND NUCKOLLS COUNTIES, NE, AND REPUBLIC COUNTY, KS¹

Decided: June 2, 2005

By decision served on July 27, 2004, the Board under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903, the abandonment and discontinuance of service by The Burlington Northern and Santa Fe Railway Company, now BNSF Railway Company (BNSF), of a 39.95-mile line of railroad extending from milepost 167.78 near Superior, NE, to milepost 127.83 near Reynolds, NE, in Jefferson, Thayer and Nuckolls Counties, NE, and Republic County, KS, subject to environmental and standard employee protective conditions. The July 27, 2004 decision stated that, if consummation has not been effected by BNSF's filing of a notice of consummation by July 27, 2005, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

On April 25, 2005, BNSF filed a request to extend, until December 31, 2005, the time to file its notice of consummation. BNSF states that additional time is necessary because winter weather conditions hampered its ability to conduct salvage activities. BNSF has shown good cause to extend the time to file a notice of consummation in this proceeding.² Accordingly, the extension 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 of the abandonment is granted.

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

² 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.

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