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SERVICE DATE - MAY 21, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 394X)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY–
ABANDONMENT EXEMPTION–IN BURKE AND WILLIAMS COUNTIES, ND

Decided: May 14, 2003

The Burlington Northern and Santa Fe Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon and discontinue service over a 60.51-mile line of railroad between milepost 26.59 in Powers Lake, and milepost 87.10 in Grenora, in Burke and Williams Counties, ND. Notice of the exemption was served and published in the Federal Register on July 1, 2002 (67 FR 44261). The notice stated that, if consummation has not been effected by BNSF's filing of a notice of consummation by July 1, 2003, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.¹

On April 16, 2003, BNSF filed a request to extend the deadline for filing of the notice of consummation until September 30, 2003. BNSF states that the extension is necessary due to weather-related delays and salvage scheduling difficulties that are not planned to be completed until August 31, 2003. 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. BNSF has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation. Accordingly, the deadline for filing the notice of consummation will be extended to September 30, 2003.

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

¹ By decision served July 30, 2003, the proceeding was reopened at the request of the Board's Section of Environmental Analysis and the exemption was made subject to the condition that BNSF consult with the National Geodetic Survey (NGS) and provide NGS with 90 days' notice prior to salvage activities in order to plan for the potential removal of the geodetic markers.

It is ordered:

1. BNSF's request for an extension of time to exercise abandonment authority is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before September 30, 2003.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary