

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42089

ALBANY & EASTERN RAILROAD COMPANY

v.

BNSF RAILWAY COMPANY¹

Decided: February 15, 2005

On November 12, 2004, Albany & Eastern Railroad Company (AERC) filed a complaint pursuant to 49 CFR 1108.7(a), to commence arbitration of a dispute with BNSF Railway Company (BNSF). Under 49 CFR 1108.7(c), a defendant willing to enter into arbitration must, within 30 days of the date of a complaint, answer the complaint in writing. BNSF has twice previously requested 30-day extensions of time to file its answer to AERC's complaint. By decisions served on December 15, 2004, and January 13, 2005, BNSF's requests were granted, with the time to file an answer most recently extended to February 11, 2005.

On February 11, 2005, BNSF filed a request for an additional 30-day extension of time until March 13, 2005, to file its answer to AERC's complaint. BNSF states that it needs more time to finalize its position. BNSF adds that it has been authorized to represent that AERC does not oppose the extension request.

BNSF's request for an extension of time to file its answer is reasonable and 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. The due date for BNSF to file its answer is extended to March 13, 2005.

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

2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary