

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 431X)

BNSF RAILWAY COMPANY—ABANDONMENT AND DISCONTINUANCE
EXEMPTION—IN KNOX AND FULTON COUNTIES, IL

Decided: August 3, 2007

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments and Discontinuances of Services to: (1) abandon a 1-mile line of railroad between milepost 51.58 and milepost 52.58 near Farmington, in Fulton County, IL; and (2) discontinue service over a 4.69-mile line of railroad between milepost 46.89 near Yates City, and milepost 51.58 near Farmington, in Knox County, IL, a total distance of 5.69 miles. Notice of the exemption was served and published in the Federal Register on August 4, 2006 (71 FR 44350-51). The exemption became effective on September 5, 2006. In the August 4, 2006 notice, the Board stated that, if consummation has not been effected by BNSF's filing of a notice of consummation by August 4, 2007, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.¹

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. On July 25, 2007, BNSF filed a request to extend, until October 4, 2007, the time to consummate the abandonment. In support, BNSF states that, because of its numerous abandonments currently in process, BNSF has encountered scheduling difficulties with salvagers, leading to a delay in the completion of necessary 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 By decision served on September 1, 2006, the proceeding was reopened at the request of the Board's Section of Environmental Analysis and the exemption was made subject to two environmental conditions, both of which remain in effect. Subsequently, by decision served on January 17, 2007, the Board denied a request by the Farmington Rail to Trails Coalition for issuance of a notice of interim trail use and for a public use condition in this proceeding.

It is ordered:

1. BNSF's request for an extension of time to consummate the abandonment is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before October 4, 2007.
3. This decision is effective on its date of service.

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

Vernon A. Williams
Secretary