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SERVICE DATE – DECEMBER 14, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 422X)

BNSF RAILWAY COMPANY–ABANDONMENT EXEMPTION–
IN SNOHOMISH COUNTY, WA

Decided: December 12, 2006

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon and discontinue service over a 0.99-mile line of railroad between milepost 38.01 and milepost 39.00 in Snohomish, Snohomish County, WA. Notice of the exemption was served and published in the Federal Register on July 2, 2004 (69 FR 40470-71). In the July 2 notice, the Board stated that, if consummation had not been effected by BNSF’s filing of a notice of consummation by July 2, 2005, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire.

By decision and notice of interim trail use or abandonment (NITU) served on August 3, 2004, the proceeding was reopened and a 180-day period was authorized for the City of Snohomish (City) to negotiate an interim trail use/rail banking agreement with BNSF for the entire line pursuant to the National Trails System Act, 16 U.S.C. 1247(d).¹ The trail use negotiating period under the NITU was extended to May 1, 2005, by decision served February 4, 2005, and by decisions served on July 7, 2005, December 28, 2005, and June 21, 2006, the time for BNSF to file a notice of consummation was extended to December 31, 2006.

On November 29, 2006, BNSF filed a request to further extend, until December 31, 2007, the time to file its notice of consummation. BNSF states that winter weather conditions have hampered the ability to conduct salvage activities.

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. Good cause has been shown and the deadline for filing the notice of consummation will accordingly be extended to December 31, 2007.

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

¹ The August 3, 2004 decision also imposed a public use condition, which expired on January 31, 2005, and several environmental conditions, which remain in effect.

It is ordered:

1. BNSF's request for an extension of time to file a notice of consummation is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before December 31, 2007.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary