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ENTERED
Office of Proceedings
March 29, 2021
Part of
Public Record

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VIA E-FILING

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, SW
Washington, DC 20423

 GRANTED Office of Proceedings	DECISION ID NO.: 50710
	DECIDED DATE: 3/31/2021
	SERVED DATE: 4/1/2021
	APPROVED: <i>Air C Dri</i> Director
☒ Extended to 4/25/2022.	

Re: **STB Docket No. AB 6 (Sub-No. 498X), BNSF Railway Company—
Abandonment Exemption—In Pawnee County, Oklahoma**

Dear Ms. Brown,

I write on behalf of BNSF Railway Company (“BNSF”) regarding the above-captioned abandonment class exemption proceeding to respectfully request that you grant a one-year extension of the consummation deadline in this proceeding, to April 25, 2022.

By a decision served in this proceeding on April 25, 2019, the Surface Transportation Board (“Board”) authorized the abandonment of the subject rail line, effective May 25, 2019. That decision states, “[i]f consummation has not been effected by BNSF’s filing a notice of consummation by April 25, 2020, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.” Slip op. at 3.

In a decision served on May 24, 2019, the Board reopened this proceeding and imposed three environmental conditions related to salvage activities. The second condition requires BNSF, prior to commencement of any salvage activities, to consult with the Oklahoma Department of Environmental Quality (“DEQ”) “to ensure that DEQ’s Tier 2a screening level requirements for the petroleum hydrocarbon contamination in the area of the proposed abandonment have been adequately addressed and submit the results of these consultations in writing to [the Board’s Office of Environmental Analysis].” Slip op. at 2.

In a decision served on June 12, 2020, the Board granted BNSF's request that the Board waive the applicable deadlines for filing a consummation notice and grant a one-year extension of the consummation deadline to April 25, 2021.

The Board's rules, 49 C.F.R. § 1152.29(e)(2), provide that, "[f]or good cause shown, a railroad may file a request for an extension of time to file a notice so long as it does so sufficiently in advance of the expiration of the deadline for notifying the Board of consummation to allow for timely processing." While BNSF has been diligently working to satisfy the Board's conditions, BNSF has not yet completed its required consultations with DEQ, and BNSF is not prepared to consummate the abandonment at this time. BNSF therefore requests that the Board grant a one-year extension of the consummation deadline, to April 25, 2022.

Please contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter W. Denton", with a long horizontal flourish extending to the right.

Peter W. Denton
Attorney for BNSF Railway Company

CERTIFICATE OF SERVICE

I certify that I have, on March 29, 2021, served copies of this letter on all parties of record in this proceeding.

A handwritten signature in black ink that reads "Sally Mordi". The signature is written in a cursive, slightly stylized font.

Sally Mordi
Attorney for BNSF Railway Company