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SERVICE DATE – FEBRUARY 28, 2008

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB-12 (Sub-No. 184X)

SOUTHERN PACIFIC TRANSPORTATION COMPANY–ABANDONMENT
EXEMPTION–WENDEL-ALTURAS LINE IN MODOC AND LASSEN
COUNTIES, CA

Decided: February 27, 2008

Southern Pacific Transportation Company (SP) filed a petition for exemption under 49 U.S.C. 10505 [now 49 U.S.C. 10502] from the prior approval requirements of 49 U.S.C. 10903-04 [now 49 U.S.C. 10903] to abandon an 85.5-mile line between milepost 360.1, near Wendel, and milepost 445.6, near Alturas, in Modoc and Lassen Counties, CA. A decision and notice of interim trail use or abandonment (NITU) was served and published in the Federal Register on August 12, 1996 (61 FR 41823-30), authorizing, among other things, a 180-day period for SP to negotiate an interim trail use/rail banking agreement with various parties and governmental agencies for the line.¹ The negotiating period under the NITU was extended several times; the latest decision, served on October 1, 2007, extended the negotiation period until March 3, 2008.

On February 20, 2008, the U.S. Department of the Interior, Bureau of Land Management (BLM), with the consent of UP, filed a request to extend the negotiation period under the NITU until September 3, 2008. BLM states that it and the Lassen Land and Trails Trust and the Sierra Nevada Conservancy have cooperated in funding a Phase 1 Environmental Site Assessment and that the assessment found no evidence of hazardous material conditions warranting further environmental investigation at this time. BLM states that the California Department of Fish and Game submitted a proposal for funding to the California State Wildlife Conservation Board (Board), but a vote on the request has been delayed until the May meeting of the Board. BLM further states that it fully expects that the requested extension would be sufficient for completion of the proposed acquisition of the line for trail purposes.

¹ This proceeding is related to Finance Docket No. 32760, Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company–Control and Merger–Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company (UP/SP). The common control authorized in UP/SP (see Union Pacific/Southern Pacific Merger, 1 S.T.B. 233 (1996)), was consummated on September 11, 1996. SP was subsequently merged into Union Pacific Railroad Company (UP).

Where, as here, the carrier is willing to continue trail use negotiations, the NITU negotiating period may be extended. An extension of the negotiating period will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the NITU negotiating period will be extended to September 3, 2008. Given the time that has elapsed since abandonment was authorized, the parties are again urged to conclude their negotiations. Based upon BLM's representation, no further extension of the negotiating should be necessary.

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

It is ordered:

1. BLM's request to extend the NITU negotiating period is granted.
2. The NITU negotiating period is extended to September 3, 2008.
3. This decision is effective on its date of service.

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

Anne K. Quinlan
Acting Secretary