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SERVICE DATE – FEBRUARY 25, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 256X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN
DALLAS COUNTY, TX

Decided: February 24, 2009

By decision served on November 23, 2007, the Board, acting pursuant to 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903, the abandonment by Union Pacific Railroad Company (UP) of, and the discontinuance of service by Dallas, Garland & Northeastern Railroad Company over,¹ the Trinity Industrial Lead, between milepost 0.0 near Terminal Junction and milepost 4.1 near Mockingbird Lane, a distance of 4.1 miles, in Dallas County, TX. The exemption was subject to public use, environmental, and standard employee protective conditions.²

In the November 23 decision, the Board stated that, if consummation had not been effected by UP's filing of a notice of consummation by November 23, 2008, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire. By decision served on October 22, 2008, UP was granted an extension of time until February 2, 2009, to file a notice of consummation.

On February 2, 2009, UP requested another extension of the time to consummate the abandonment. In support, UP states that, on August 29, 2008, it entered into a contract with the City of Dallas, TX (City), by which the City intends to purchase the entire line. UP states that the City is continuing to undertake the due diligence activities in accordance with the terms of the contract. UP notes that, although the closing under the contract was originally scheduled for December 19, 2008, to complete all due diligence the parties now expect to be able to close the sale of the line on or before July 1, 2009. Accordingly, because the new expected closing date is later than February 2, 2009, UP requests that the Board extend the time period in which to consummate the abandonment to July 1, 2009.

¹ The November 23 decision embraced STB Docket No. AB-585 (Sub-No. 2X), Dallas, Garland & Northeastern Railroad Company—Discontinuance of Service Exemption—in Dallas County, TX.

² The public use condition expired on June 20, 2008, and the environmental condition remains in effect.

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. UP 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.³

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

It is ordered:

1. UP'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 July 1, 2009.
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

³ It is not clear from UP's request for an extension of the consummation deadline whether UP intends to consummate the authorized abandonment and then transfer the property to the City as an abandoned rail line. If UP intends to transfer the rail line prior to exercising the abandonment authorization, Board approval will be needed for the transfer to the City.