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SERVICE DATE – FEBRUARY 1, 2006

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB-33 (Sub-No. 55)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT—BETWEEN ECHO AND
PARK CITY AND BETWEEN KEETLEY JUNCTION AND PHOSTON,
IN SUMMIT AND WASATCH COUNTIES, UT

Decided: January 31, 2006

The State of Utah, Division of Parks and Recreation (DPR) seeks to reopen and vacate, in part, a Certificate of Interim Trail Use (CITU), to permit abandonment of two portions of Union Pacific Railroad Company (UP) right-of-way.

In December 1988, UP sought to abandon two lines of railroad: (1) the 27.6-mile Park City branch between milepost -0.2 near Echo and milepost 27.4 near Park City; and (2) the 2.5-mile Ontario branch between milepost 0.0 near Keetley Junction and milepost 2.5 near Phoston, a total of 30.1 miles in Summit and Wasatch Counties, UT. DPR, joined by the Park City Municipal Corporation, sought a CITU covering both lines, except for a portion of the Park City branch between mileposts 26.88 and 27.4. The CITU was served on February 13, 1989, subject to a 180-day public use condition, requested by DPR, barring UP from disposing of the right-of-way (except between mileposts 26.88 and 27.4). After UP agreed to convey ownership and management responsibility of the right-of-way to DPR for interim trail use, the public use condition was vacated in a decision served on March 15, 1989.

By petition filed on December 9, 2005, DPR asks the Board to modify the CITU to allow the abandonment of two portions of the Ontario branch: (1) in Wasatch County, from railroad station 82 + 58 (county border) to railroad station 136 + 51 (section line); and (2) in Summit County, from railroad station 0.00 (Keetley Junction) to railroad station 33 + 28 (property boundary between United Park City Mines and Stitching Mayflower). UP does not object to this request. DPR states that Wasatch and Summit Counties' plans for economic development require relocating the trail to property not on the right-of-way at these locations.

Under 49 CFR 1152.29(c)(2), whenever a trail user intends to terminate trail use over a portion of the right-of-way and sends the Board a request that a CITU be vacated, the Board will reopen the abandonment proceeding, vacate the CITU, and issue a decision permitting immediate abandonment for the involved portion of the right-of-way.

DPR has complied with the requirements of 49 CFR 1152.29(c)(2) regarding a request to vacate portions of the CITU. Therefore, this proceeding will be reopened and the request to partially vacate the CITU will be granted.

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

It is ordered:

1. This proceeding is reopened.
2. The CITU in Docket No. AB-33 (Sub-No. 55) is vacated with respect to the portions of the Ontario Branch in Wasatch County, from railroad station 82 + 58 (county border) to railroad station 136 + 51 (section line), and in Summit County, from railroad station 0.00 (Keetley Junction) to railroad station 33 + 28 (property boundary between United Park City Mines and Stitches Mayflower). UP may fully abandon those portions of the line for which the CITU has been vacated. The CITU for the right-of-way, as described in the decision served on February 13, 1989, remains in effect, except for those portions for which the CITU has been vacated in this decision.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary