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SERVICE DATE - MARCH 31, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 146X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT  
AND DISCONTINUANCE OF TRACKAGE RIGHTS EXEMPTION--  
IN DALLAS COUNTY, TX

IN THE MATTER OF AN OFFER OF FINANCIAL ASSISTANCE

Decided: March 28, 2000

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments and Discontinuances of Service and Trackage Rights to abandon 2,367 feet of railroad over the Oakland Avenue Spur from station 186+62 at Malcolm X Boulevard to the end of the track at station 210+29.2 in the city of Dallas, Dallas County, TX. Notice of the exemption was served on January 24, 2000, and published in the Federal Register on January 28, 2000 (65 FR 4570-71). The exemption was scheduled to become effective on February 23, 2000, but a formal expression of intent to file an offer of financial assistance (OFA) was timely filed collectively by John Radovich, John's Cars, Inc., John's Trains, Inc., and John's Retrofit, Inc. (to purchase the entire line). This automatically stayed the effective date of the exemption for 10 days until March 4, 2000.<sup>1</sup>

By decision served February 18, 2000, the proceeding was reopened and the exemption was made subject to several environmental conditions. On February 25, 2000, John's Trains, Inc. (JTI), timely filed an OFA under 49 U.S.C. 10904 and 49 CFR 1152.27(c) to purchase the entire line. By decision served March 1, 2000, JTI was found to be financially responsible, and the effective date of the decision authorizing abandonment was postponed to permit the OFA process to proceed. By letter filed March 24, 2000, JTI's counsel has notified the Board that the parties have reached an agreement on all terms and conditions for the acquisition of the rail line.

When a carrier and a person offering to purchase a line enter into an agreement for continued rail service, the Board is required to approve the transaction and dismiss the abandonment exemption. See 49 U.S.C. 10904 and 49 CFR 1152.27(f)(2). Accordingly, the sale will be approved and the abandonment exemption will be dismissed.

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

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<sup>1</sup> See 49 CFR 1152.27(c)(2)(i).

It is ordered:

1. Under 49 U.S.C. 10904, JTI is authorized to acquire the line described above.
2. Under 49 U.S.C. 10904 and 49 CFR 1152.27(f)(2), the abandonment exemption is dismissed, effective on the date the sale is consummated.
3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary