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SERVICE DATE - AUGUST 5, 1998

SURFACE TRANSPORTATION BOARD

DECISION¹

Docket No. AB-3 (Sub-No. 131)

MISSOURI PACIFIC RAILROAD COMPANY--ABANDONMENT--HOPE-
BRIDGEPORT LINE IN DICKINSON AND SALINE COUNTIES, KS

Docket No. AB-3 (Sub-No. 133X)

MISSOURI PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--
IOWA JUNCTION LINE-MANCHESTER LINE IN JEFFERSON DAVIS AND
CALCASIEU PARISHES, LA

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

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

Docket No. AB-12 (Sub-No. 187X)

SOUTHERN PACIFIC TRANSPORTATION COMPANY--ABANDONMENT
EXEMPTION--SEABROOK-SAN LEON LINE IN GALVESTON
AND HARRIS COUNTIES, TX

¹ These proceedings are 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).

STB Docket No. AB-3 (Sub-No. 131), et al.

Docket No. AB-33 (Sub-No. 93X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--
WHITTIER JUNCTION-COLIMA JUNCTION LINE
IN LOS ANGELES COUNTY, CA

Docket No. AB-33 (Sub-No. 94X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--
MAGNOLIA TOWER-MELROSE LINE IN ALAMEDA COUNTY, CA

Docket No. AB-33 (Sub-No. 96)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT--BARR-GIRARD
LINE IN MENARD, SANGAMON AND MACOUPIN COUNTIES, IL

Docket No. AB-33 (Sub-No. 97X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--
IN DECAMP-EDWARDSVILLE LINE IN MADISON COUNTY, IL

Docket No. AB-33 (Sub-No. 98X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--
EDWARDSVILLE-MADISON LINE IN MADISON COUNTY, IL

Docket No. AB-33 (Sub-No. 99X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--
LITTLE MOUNTAIN JUNCTION-LITTLE MOUNTAIN LINE
IN BOX ELDER AND WEBER COUNTIES, UT

Decided: July 30, 1998

In Docket No. AB-3 (Sub-No. 131), Missouri Pacific Railroad Company (MPRR) filed an application under 49 CFR 1152.22 for it to abandon, and for The Denver and Rio Grande Western Railroad Company to discontinue its trackage rights on, a line of railroad extending from milepost 459.20 near Hope to milepost 491.20 near Bridgeport, a distance of approximately 31.24 miles

(milepost 478.05 = milepost 478.81) in Dickinson and Saline Counties, KS.² In Docket No. AB-3 (Sub-No. 133X), MPRR filed a petition for exemption under 49 U.S.C. 10505³ from the prior approval requirements of 49 U.S.C. 10903-04 to abandon an approximately 8.5-mile rail line between milepost 680.0 near Iowa Junction and milepost 688.5 near Manchester in Jefferson Davis and Calcasieu Parishes, LA. In Docket No. AB-12 (Sub-No. 184X), Southern Pacific Transportation Company (SPT) filed a petition for exemption under 49 U.S.C. 10505 from the prior approval requirements of 49 U.S.C. 10903-04 to abandon an 85.5-mile rail line between milepost 360.1, near Wendel, and milepost 445.6, near Alturas, in Modoc and Lassen Counties, CA. In Docket No. AB-12 (Sub-No. 187X), SPT filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments and Discontinuances to abandon approximately 10.5 miles of its Seabrook-San Leon Line from milepost 30.0 near Seabrook, to milepost 40.5 near San Leon, in Galveston and Harris Counties, TX.⁴ In Docket No. AB-33 (Sub-No. 93X), Union Pacific Railroad Company (UPRR) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments and Discontinuances to abandon approximately 5.18 miles of the Whittier Junction-Colima Junction line (portion of the Anaheim Branch) from milepost 0.0 near Whittier Junction to milepost 5.18 near Colima Junction, in Los Angeles County, CA.⁵ In Docket No. AB-33 (Sub-No. 94X), UPRR filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments and Discontinuances to abandon approximately 4.9 miles of the Magnolia Tower-Melrose line (portion of the Canyon Subdivision) from milepost 5.8 near Magnolia Tower to milepost 10.7 near Melrose, in Alameda County, CA.⁶ In Docket No. AB-33 (Sub-No. 96), UPRR filed an application

² MPRR merged into Union Pacific Railroad Company (UPRR) on January 1, 1997. By letter filed November 12, 1997, UPRR notified the Board that service had been discontinued on the line as authorized in the certificate of interim trail use or abandonment (CITU) served on September 10, 1996.

³ The statutory provisions cited in this decision were those in effect prior to January 1, 1996, as those provisions applied to the Board's decision in UP/SP and the related proceedings.

⁴ On November 20, 1996, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for the City of Dickinson to negotiate an interim trail use/rail banking agreement with SPT.

⁵ On December 13, 1996, a NITU was served, authorizing a 180-day period for the City of Whittier to negotiate an interim trail use/rail banking agreement with UPRR.

⁶ A 180-day public use condition was imposed under 49 U.S.C. 10906 at the request of San Francisco Bay Trail for a portion of the line from milepost 7.6 to milepost 7.1. The condition required that UPRR keep the right-of-way intact, including bridges, culverts, and similar structures, for a period of 180 days after the September 11, 1996 effective date of the exemption to permit San Francisco and any other state or local government agency, or other interested person, to negotiate for acquisition of the line for public use. The public use condition expired on March 10, 1997. On January 22, 1997, a NITU was served authorizing a 180-day period for the City of Oakland (City)

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under 49 CFR 1152.22 to abandon approximately 38.4 miles of rail line extending from milepost 51.0 near Barr to milepost 89.4 near Girard in Menard, Sangamon, and Macoupin Counties, IL. In Docket No. AB-33 (Sub-No. 97X), UPRR filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments and Discontinuances to abandon approximately 14.6 miles of the DeCamp-Edwardsville line (portion of the Madison Subdivision) from milepost 119.2 near DeCamp to milepost 133.8 near Edwardsville, in Madison County, IL. In Docket No. AB-33 (Sub-No. 98X), UPRR filed a petition for exemption under 49 U.S.C. 10505 from the prior approval requirements of 49 U.S.C. 10903-04 to abandon its 14.98-mile rail line from milepost 133.8 near Edwardsville to milepost 148.78 near Madison, in Madison County, IL. In Docket No. AB-33 (Sub-No. 99X), UPRR filed a notice of exemption under 49 CFR part 1152 Subpart F--Exempt Abandonments and Discontinuances to abandon approximately 12.0 miles of the Little Mountain Junction-Little Mountain Line (portion of the Little Mountain Branch) from milepost 0.0 near Little Mountain Junction to milepost 12.0 near Little Mountain, in Box Elder and Weber Counties, UT.⁷

The negotiation periods for the CITUs served on September 10, 1996, and NITUs, served and published in the Federal Register on August 12, 1996 (61 FR 41823-30), authorizing among other things,⁸ a 180-day period for MPRR, UPRR and SPT to negotiate an interim trail use/rail banking agreement with various parties and governmental agencies. The negotiation periods for these proceedings were extended by decisions served February 10, 1997, and January 26, 1998. The negotiation periods are scheduled to expire on August 8, 1998.⁹

⁶(...continued)

to negotiate an interim trail use /rail banking agreement with UPRR for the portion of the right-of-way from milepost 7.6 to milepost 7.1. The City's request for a NITU did not embrace the segment of the line between milepost 5.8 to milepost 7.1. In any event, the Board lost jurisdiction over that segment (between milepost 5.8 to milepost 7.1) when UPRR abandoned it. On February 2, 1998, a NITU was served authorizing the City to negotiate an interim trail use/rail banking agreement with UPRR for the portion of the right-of-way from milepost 7.1 at Oak Street to milepost 9.0 until August 8, 1998.

⁷ By letter filed December 22, 1997, and amended on December 31, 1997, UPRR notified the Board that it had exercised the authority conferred by the NITU as follows: (1) service was discontinued over the 10-mile portion of the line extending from milepost 1.0 near Little Mountain Junction to milepost 11.0 near Little Mountain, UT; (2) the 1-mile portion of the line extending from milepost 0.0 to milepost 1.0 near Little Mountain Junction, UT, was reclassified to yard trackage; and (3) the 1-mile portion of the line extending from milepost 11.0 to milepost 12.0 near Little Mountain, UT, was reclassified to yard trackage.

⁸ The abandonments are subject to historic and environmental mitigating conditions imposed in UP/SP, Finance Docket No. 32760, Decision No. 44 (STB served Aug. 12, 1996), slip op. at 281-84.

⁹ On February 2, 1998, a NITU was served in Docket No. AB-33 (Sub-No. 94X) extending the
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By letters filed July 16, 1998, and July 23, 1998, UPRR requests an extension of the CITU and NITU negotiation periods for these proceedings through August 8, 1999. UPRR states that it has not consummated any of these abandonments and has not negotiated with the parties interested in the lines because of the uncertainty as to the timing of the abandonments. UPRR also stated, that as noted in the January 26, 1998 decision, the timing of the abandonments will be determined by ongoing merger implementation, the securing of labor implementing agreements, systems integration, and completion of various capital projects outlined in the merger.

A further extension of the NITU and CITU negotiating periods is warranted. The requested extensions will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The purpose of the Trails Act is to preserve rail corridors for possible reactivation of rail service by permitting and encouraging their interim use as recreational trails. See Policy State on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990).

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

It is ordered:

1. The periods for negotiations for interim trail use/rail banking in these proceedings are extended to August 8, 1999.¹⁰
2. The decision is effective on the service date.

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

Vernon A. Williams
Secretary

⁹(...continued)
negotiation period under the NITU for the right-of-way between milepost 7.1 and milepost 7.6 and between milepost 7.6 and milepost 9.0.

¹⁰ In Docket No. AB-33 (Sub-No. 94X), the extension of the NITU covers the 1.9-mile portion of the line from milepost 7.1 at Oak Street to milepost 9.0.