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SERVICE DATE – JULY 21, 2006

SURFACE TRANSPORTATION BOARD

DECISION AND MODIFICATION OF NOTICE OF INTERIM TRAIL USE OR
ABANDONMENT

STB Docket No. AB-33 (Sub-No. 93X)¹

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

Decided: July 20, 2006

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152.50 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. Notice of the exemption was served and published in the Federal Register on August 12, 1996 (61 FR 41823). On December 13, 1996, a notice of interim trail use or abandonment (NITU) was served authorizing a 180-day period for the City of Whittier (City) to negotiate an interim trail use/rail banking agreement with UP for the 5.18-mile line of railroad. At the request of UP, the negotiating period was extended several time; the latest extension was granted by decision served August 7, 2000. The negotiation period expired on December 31, 2000.

By petition filed November 30, 2001, the City late-filed a request for issuance of a NITU pursuant to the National Trails System Act, 16 U.S.C. 1247(d), for the portion of the right-of-way between milepost 0.43 near the grade crossing at Pioneer Boulevard and milepost 5.11 near Colima Junction, a distance of approximately 4.68 miles. On December 14, 2001, a decision was served authorizing the City to negotiate with UP for that portion of the right-of-way. On June 25, 2002, the City filed a request to terminate trail use over a 15,000 square foot-parcel located between approximately milepost 2.70 near Mar Vista Street and approximately milepost 2.78 near Pickering Avenue, on what the City described as the eastern boundary of the line. The city stated that, in connection with a transaction involving the sale of real property, it

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. The common control authority sought in that proceeding was granted by the Board in Union Pacific/Southern Pacific Merger, 1 S.T.B. 233 (1996), and was consummated on September 11, 1996.

had decided to terminate trail use over that portion of the right-of-way. The City requested that the partial vacation of the NITU be made effective on July 23, 2002. By decision served July 18, 2002, the proceeding was reopened and the NITU served December 14, 2001, was vacated with respect to the 15,000 square foot-parcel along the right-of-way between milepost 2.70 and milepost 2.78 and UP was permitted to fully abandon that portion of the right-of-way for which the NITU had been vacated, effective July 23, 2002, as requested. The July 18 decision included reference to the City's statement that, if the transaction was not completed by July 23, 2002, the City would advise the Board and amend its request to reflect a new effective date for vacating the NITU. On August 19, 2002, the City filed a letter stating that the real property transaction did not close on July 23, 2002, but instead closed on August 13, 2002. The City therefore requested that the effective date for the partial vacation of the NITU be changed to August 13, 2002. By decision served September 10, 2002, the City's request to amend the effective date of its June 25, 2002 request for partial vacation of the NITU was granted, and the vacation of the NITU as to the 15,000 square foot parcel along the right-of-way between milepost 2.70 and milepost 2.78 was made effective as of August 13, 2002.

On August 2, 2002, UP notified the Board that, on July 23, 2002, it had closed the transaction covering the 15,000 square foot-parcel, which UP indicates cover only a small extra width parcel on the line. UP also stated that, in its view, no notice of consummation of abandonment is necessary because the sale of the extra width parcel will not disrupt the continuity of the line and the property sold would not be necessary for future reestablishment of rail service over the right-of-way.

On June 26, 2006, the City filed a request to terminate trail use over an aggregate of approximately 17,000 square feet of property located at various points along the edge of the right-of-way through sale to adjacent landowners or occupants that already hold leases or licenses thereon predating the City's acquisition. The request includes the following extra width parcels, (collectively referred as the sale parcels): (1) 1,550 square foot-parcel located on the eastern boundary between approximately milepost 1.65 near Broadway and approximately milepost 1.70 between Broadway and Magnolia Avenue; (2) 306 square foot-parcel located on the western boundary between approximately milepost 0.70 near Redman Avenue and approximately milepost 0.80 near South Norwalk Boulevard; (3) 630 square foot-parcel located on the western boundary between approximately milepost 1.37 and approximately milepost 1.40 near Howard Street; (4) 2,782 square foot-parcel on the eastern boundary between approximately milepost 1.66 near Broadway and approximately milepost 1.71 between Broadway and Magnolia Avenue; (5) 2,722 square foot-parcel located on the eastern boundary between approximately milepost 1.68 near Broadway and approximately milepost 1.73 near Magnolia Avenue; (6) 1,020 square foot-parcel located on the eastern boundary between approximately milepost 1.70, between Broadway and Magnolia Avenue, and approximately milepost 1.75 near Magnolia Avenue; (7) 1,510 square foot-parcel located on the eastern boundary between approximately milepost 1.72, between Broadway and Magnolia Avenue, and approximately milepost 1.77 near Magnolia Avenue; (8) 432 square foot-parcel located on the western boundary between

approximately milepost 1.78 and approximately milepost 1.80 near Camilla Street; (9) 284 square foot-parcel located on the western boundary at approximately milepost 1.70, between Broadway and Magnolia Avenue; (10) 1,262 square foot-parcel located on the eastern boundary between approximately milepost 1.34 near Orange Drive and approximately milepost 1.37 near Howard Street; (11) 703 square foot-parcel located on the western boundary between approximately milepost 1.40 and approximately milepost 1.44 near Howard Street; (12) 324 square foot-parcel located on the western boundary between approximately milepost 1.42 and approximately milepost 1.46 near Howard Street; (13) 1,467 square foot-parcel located on the eastern boundary at approximately milepost 0.43 near Pioneer Boulevard; (14) 290 square foot-parcel located on the western boundary at approximately milepost 0.43 near Pioneer Boulevard; (15) 1,200 square foot-parcel located on the eastern boundary between approximately milepost 3.42 near Greenleaf Avenue and approximately milepost 3.44, between Greenleaf Avenue and Washington Avenue; and (16) 492 square foot-parcel located on the eastern boundary between approximately milepost 3.44 and approximately milepost 3.46, between Greenleaf Avenue and Washington Avenue. The City requests that the NITU to these line segments be vacated as of July 31, 2006. The City further states that the transaction will involve the transfer of small strips of land along the edge of the right-of-way and will not disrupt the continuity of the line.²

The City has complied with the requirements of 49 CFR 1152.29(d)(2) regarding a request to vacate a NITU. Whenever a trail manager intends to terminate trail use over a portion of the right-of-way and sends the Board a request that a NITU be vacated, the Board will reopen the proceeding, vacate the NITU. Therefore, the City's request to vacate the NITU will be granted with respect to the 17,000 sq. ft.-sale parcels, effective July 31, 2006, as requested.

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 City's request to vacate the NITU for the approximately 17, 000 sq. ft. of property is granted.
3. The NITU served December 14, 2001, is vacated with respect to the 17,000 sq. ft. of property along the right-of-way as discussed in this decision, effective as of July 31, 2006. The City will remain the trail user for the remainder of the right-of-way.

² The City indicates that it will continue to be the interim trail user over the remainder of the right-of-way.

4. This decision is effective on its service date.

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

Vernon A. Williams
Secretary