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SEC

SERVICE DATE - JUNE 23, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 118X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT
EXEMPTION--IN EL PASO COUNTY, CO

Decided: June 17, 1998

On February 18, 1998, Union Pacific Railroad Company (UP) filed a petition seeking an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a 3.07-mile line of railroad known as the Templeton Gap Spur, extending from the end of the line at milepost 602.70 to milepost 605.77, in Colorado Springs, El Paso County, CO. By decision served June 8, 1998, the Board granted the petition, subject to environmental and labor protective conditions. The exemption was scheduled to become effective on July 8, 1998, unless stayed by the Board or unless a formal offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27(c)(1) was filed by June 18, 1998. On June 15, 1998, a petition to toll the 10-day period for submitting an OFA was timely filed by the Colorado Springs & Eastern Railroad Company. A subsequent decision will be issued on this matter.

On June 11, 1998, the City of Colorado Springs (the City) filed a motion to intervene in this proceeding. Although the City previously filed a letter dated February 12, 1998, in support of the abandonment, the City is not presently a party of record. Because the City is the owner of the underlying right-of-way involved in this proceeding, the City asserts that it clearly has an interest in the outcome of this proceeding. The City represents that UP does not oppose its motion seeking intervention.

Under 49 CFR 1112.4, a motion to intervene in a proceeding may be granted if it (1) will not unduly disrupt the schedule for filing verified statements, except for good cause shown; and (2) would not unduly broaden the issues raised in the proceeding. The City's intervention will not unduly disrupt the schedule and will not unduly broaden the issues. Accordingly, the motion to intervene will be granted.

It is ordered:

1. The City is granted leave to intervene in this proceeding.
2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary