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SERVICE DATE - OCTOBER 9, 1998

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB-3 (Sub-No. 134X)

MISSOURI PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--
TROUP-WHITEHOUSE LINE IN SMITH COUNTY, TX

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

Decision No. 82

Decided: October 2, 1998

Missouri Pacific Railroad Company (MPRR) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments and Discontinuances of Service and Trackage Rights to abandon the Troup-Whitehouse line (portion of the Tyler Industrial Lead) extending from milepost 0.50, near Troup, to milepost 8.0, near Whitehouse, a distance of approximately 7.5 miles in Smith County, TX. The notice of exemption was filed on November 30, 1995, in conjunction with the railroad control application docketed as Finance Docket No. 32760. In 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, Finance Docket No. 32760, Decision No. 9 (ICC served Dec. 27, 1995) (UP/SP No. 9), slip op. at 14, which was published in the Federal Register on December 27, 1995, at 60 FR 66988-94, the Board's predecessor, the Interstate Commerce Commission, accepted for consideration the primary application and related proceedings, and the related abandonment proposals.

Docket No. AB-3 (Sub-No. 134X)

In Decision No. 44, served on August 12, 1996, in the Finance Docket No. 32760 proceeding (UP/SP No. 44), the Board authorized the exemption in Docket No. AB-3 (Sub-No. 134X), and stated that the exemption will be effective on September 11, 1996,¹ unless stayed pending reconsideration.² By letter filed September 21, 1998, counsel for Union Pacific Railroad Company (UP) (as successor in interest to MPRR) advised the Board that UP has decided to retain this line and not to exercise the abandonment authority. UP has requested that the Board vacate the abandonment authorization made in the decision served August 12, 1996. Accordingly, the authorization contained in the August 12 decision will be vacated and the proceeding will be dismissed.

As conditioned, this action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The abandonment authorization contained in UP/SP No. 44, concerning Docket No. AB-3 (Sub-No. 134X), is vacated.
2. The proceeding in Docket No. AB-3 (Sub-No. 134X) is dismissed.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary

¹ In Docket No. AB-3 (Sub-No. 134X), the Board also imposed a public use condition, stating that applicants shall leave intact all of the rights-of-way underlying the track, including bridges, culverts, and similar structures for a period of 90 days from the effective date of the decision to enable any state or local government agency or other interested person to negotiate the acquisition of the rights-of-way for public use.

² The Board did not receive any petitions to stay the exemption.