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SERVICE DATE - AUGUST 17, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 131X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--  
IN CAMERON COUNTY, TX

IN THE MATTER OF AN OFFER OF FINANCIAL ASSISTANCE

Decided: August 13, 1999

By decision served April 2, 1999, the Board granted the Union Pacific Railroad Company (UP) an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a 7.14-mile line of railroad known as the Brownsville Branch, extending from milepost 197.90 near Naranjo Road to milepost 205.04 near E. Van Buren Street, in Brownsville, Cameron County, TX. The exemption was to become effective on May 2, 1999, unless an offer of financial assistance (OFA) was filed on or before April 12, 1999.

On April 9, 1999, Rio Valley Railroad, Inc. (the offeror), timely filed an OFA to purchase a 2.06-mile segment of the line.<sup>1</sup> By decision served April 15, 1999, the effective date of the exemption authorizing abandonment of the 2.06-mile portion of UP's 7.14-mile Brownsville Branch was postponed in order to permit the OFA process under 49 U.S.C. 10904 and 49 CFR 1152.27 to proceed.<sup>2</sup> The April 15 decision stated that, if UP and the offeror could not agree on the purchase price, either party may request the Board to establish the terms and conditions of the purchase on or before May 10, 1999. At the offeror's request, and with UP's agreement, the time period for filing requests for the establishment of terms and conditions of the purchase was extended through July 30, 1999, by decisions served May 6, 1999, May 27, 1999, and June 29, 1999.

By letter filed July 29, 1999, the offeror seeks to withdraw its OFA, and, as a result of such withdrawal, states that it will not file a request for the establishment of terms and conditions of the purchase. By letter filed August 4, 1999, UP requests reinstatement of the exemption as it pertains to the 2.06-mile portion of the line. Accordingly, the OFA process will be terminated and the prior abandonment authorization as to the 2.06-mile portion of rail line will be effective on the service date of this decision.

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<sup>1</sup> The portion of the line is located between the north right-of-way of Farm-to-Market Road No. 3248, also known as Alton Gloor Boulevard, at approximately milepost 199.96, and the northern terminus of the rail line at the point of connection of UP's rail line that extends east-southeast to the Port of Brownsville, TX, at milepost 197.90.

<sup>2</sup> The exemption authorizing abandonment of the remainder of the line became effective on May 2, 1999, as scheduled.

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

It is ordered:

1. The OFA process prescribed in the decision served April 15, 1999, is terminated, and the prior abandonment authorization as to the 2.06-mile portion of the line will be effective on the service date of this decision.

2. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams  
Secretary