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SERVICE DATE - AUGUST 7, 2000

SURFACE TRANSPORTATION BOARD

DECISION¹

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-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. 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--
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)

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). The common control authorized in UP/SP, Decision No. 44 (STB served Aug. 12, 1996), was consummated on September 11, 1996. Missouri Pacific Railroad Company (MPRR) was merged into Union Pacific Railroad Company (UPRR) on January 1, 1997; Southern Pacific Transportation Company (SPT) was merged into UPRR on February 1, 1998. The acronym "UP" has reference to the combined UP/SP rail system.

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

Decided: August 2, 2000

In Docket No. AB-12 (Sub-No. 184X), Southern Pacific Transportation Company (SPT) filed a petition for exemption under 49 U.S.C. 10905 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-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.² In Docket No. AB-33 (Sub-No. 96), UPRR filed an application 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.³ 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.⁴ 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.⁵ In Docket

² 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 UP. On March 27, 1998, UP notified the Board that it had discontinued service over the line on March 1, 1998.

³ By letter filed December 2, 1998, UP notified the Board that, on November 25, 1998, it had discontinued all common carrier rail operations over the line.

⁴ By letter filed December 2, 1998, UP notified the Board that it discontinued service over the 14.0-mile portion of the line between milepost 119.8 near DeCamp and milepost 133.8 near Edwardsville on November 25, 1998. UP also indicated that it is not exercising the authority conferred for the 0.6-mile segment between milepost 119.2 and milepost 119.8 near DeCamp, which UP states was being sold to Norfolk Southern Railway as part of the transaction in STB Finance Docket No. 33610.

⁵ By letter filed December 2, 1998, UP notified the Board that, on November 25, 1998, it had exercised the authority conferred as follows: (1) service was discontinued over the 7.2-mile portion between milepost 133.8 near Edwardsville and milepost 141.0 near Stallings, IL; and (2) the 4.2-mile portion of the line extending from milepost 141.0 near Stallings and milepost

(continued...)

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.⁶

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), authorize, among other things,⁷ 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 for these proceedings were collectively or individually extended by decisions served February 10, 1997, January 26, 1998, August 5, 1998, July 30, 1999,⁸ January 26, 2000, and February 18, 2000. The negotiation periods are scheduled to expire on August 8, 2000.

By letter filed July 26, 2000, UP requests an extension of the CITU and NITU negotiation periods for these proceedings. Specifically, UP requests a 1-year extension (through August 8, 2001) in AB-12 (Sub-No. 184X), a 31-day extension (through September 8, 2000) in Docket No. AB-33 (Sub-No. 99X), and an almost 5-month extension (through December 31, 2000) for the remainder of the lines.⁹ UP states that it has not consummated any of these abandonments. UP states that it has not negotiated with the parties interested in trail use in Docket No. AB-12 (Sub-No. 184X) because it has not discontinued service over that line, and has not yet decided whether the line will be abandoned. UP also states that, in Docket No. AB-33 (Sub-No. 99X), only a short extension is necessary because, while it might be possible to conclude negotiations before the present trail use negotiation agreements expire on August 8, 2000, it is not certain that it will

⁵(...continued)

145.2 near Granite City, IL was reclassified to industrial trackage. UP also indicated that it is not exercising the authority conferred for the 3.58-mile segment between milepost 145.2 near Granite City and milepost 148.78 near Madison, IL.

⁶ By letter filed December 22, 1997, and amended on December 31, 1997, UP notified the Board that it had exercised the authority conferred 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; and (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.

⁷ The abandonments are subject to historic and environmental mitigating conditions imposed in UP/SP, Decision No. 44, slip op. at 281-84.

⁸ The July 30, 1999 decision was affirmed by decision served August 4, 1999.

⁹ This includes Docket No. AB-33 (Sub-Nos. 93X, 96, 97X, and 98X).

be able to conclude the trail use agreement by that date. UP further states that it anticipates that the requested extension will be sufficient time to reach final trail use agreements on the other lines, or determine whether any such agreements are likely. On August 1, 2000, Madison County Transit filed a letter stating that it and UP has been actively negotiating with UP for an interim trail use and joins UP in its request for a further extension of the of the negotiation periods in Docket No. AB-33 (Sub-Nos. 97X and 98X).

Further extensions of the NITU and CITU negotiating periods are 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 Statement 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 negotiation period for interim trail use/rail banking in Docket No. AB-33 (Sub-No. 99X) is extended to September 8, 2000.
2. The negotiation period for interim trail use/rail banking in Docket No. AB-12 (Sub-No. 184X) is extended to August 8, 2001.
3. The periods for negotiations for interim trail use/rail banking in Docket Nos. AB-33 (Sub-Nos. 93X, 96, 97X, and 98X) are extended to December 31, 2000.¹⁰

¹⁰ In Docket No. AB-33 (Sub-No. 96), as discussed in the July 30, 1999 decision, the bridge near milepost 89.4 at the South end of the line near Girard is not subject to the CITU.

In Docket No. AB-33 (Sub-No. 97X), as discussed in the July 30, 1999 decision, the 0.6-mile portion of the line segment between milepost 119.2 and milepost 119.8 near DeCamp is not subject to the NITU.

In Docket No. AB-33 (Sub-No. 98X), as discussed in the July 30, 1999 decision, the 3.58-mile portion between milepost 145.2 near Granite City and milepost 148.78 near Madison is not subject to the NITU.

Docket No. AB-12 (Sub-No. 184X), et al.

4. The decision is effective on the service date.

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

Vernon A. Williams
Secretary