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SEC

SERVICE DATE – NOVEMBER 1, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34933

UTAH TRANSIT AUTHORITY–ACQUISITION EXEMPTION–  
UNION PACIFIC RAILROAD COMPANY

Decided: October 31, 2006

On September 22, 2006, Utah Transit Authority (UTA), a noncarrier, filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Union Pacific Railroad Company (UP) the remaining width of a portion of a railroad right-of-way (ROW), totaling approximately 6.60 miles in Salt Lake County, UT.<sup>1</sup> The ROW included the Bingham Industrial Lead, a line of railroad main track corridor extending in a westerly direction between milepost 0.00 in Midvale and milepost 6.60 in Bagley. UTA already acquired a 35 foot-wide portion of the ROW from UP in a previously filed transaction.<sup>2</sup>

By letter filed on October 23, 2006, UTA has requested that its notice of exemption and motion to dismiss be withdrawn in this proceeding. UTA states that the proposed transaction described in its notice did not occur as planned. UTA also wishes to reserve the right, if the parties to the transaction reach an agreement, to resubmit its filings. The request will be granted, and the proceeding will be dismissed without prejudice.

It is ordered:

1. UTA's request for withdrawal of its notice of exemption and motion to dismiss is granted and the proceeding in STB Finance Docket No. 34933 is dismissed without prejudice.

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<sup>1</sup> UTA also simultaneously filed a motion to dismiss the notice of exemption, contending that the Board does not have jurisdiction over this transaction..

<sup>2</sup> See Utah Transit Authority–Acquisition Exemption–Certain Assets of Union Pacific Railroad Company, STB Finance Docket No. 34170 (STB served Feb. 22, 1992) (notice of exemption for Board authority to acquire certain rail assets). But, by decision served on May 22, 2002, the Board dismissed the notice of exemption in that proceeding, concluding that Board authorization was not required for the transfer of the rail assets in that case.

2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary