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SEC

SERVICE DATE – JANUARY 24, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-838

EAST ST. LOUIS JUNCTION RAILROAD COMPANY –  
ADVERSE ABANDONMENT – IN ST. CLAIR COUNTY, IL

STB Docket No. AB-33 (Sub-No. 199)

UNION PACIFIC RAILROAD COMPANY –  
ADVERSE DISCONTINUANCE – IN ST. CLAIR COUNTY, IL

Decided: January 21, 2005

On August 20, 2003, the Illinois Department of Transportation (IDOT) filed an application under 49 U.S.C. 10903 seeking: (1) the adverse abandonment of the East St. Louis Junction Railroad Company's (ESLJ) rail line in East St. Louis, IL, and (2) the adverse discontinuance of Union Pacific Railroad Company's (UP) service over ESLJ's line. Notice of the application was served and published in the Federal Register on September 9, 2003 (68 FR 53216-17). Consistent with 49 CFR 1152.26, the notice provided that protests or written comments must be filed with the Board no later than October 6, 2003.

In decisions served October 1, 2003, November 5, 2003, December 23, 2003, March 2, 2004, May 13, 2004, July 15, 2004, and September 30, 2004, the parties have been granted extensions of time (until November 5, 2003, January 5, 2004, March 5, 2004, May 4, 2004, July 2, 2004, September 30, 2004, and January 14, 2005, respectively) to file written comments or protests in this proceeding.

By letter filed on January 14, 2005, UP requests that the due date for written comments or protests in this proceeding be extended until June 30, 2005. UP states that additional time is needed because the above parties are engaged in ongoing negotiations, the railroads have submitted a proposal to IDOT which it is currently reviewing, and the negotiations will not be concluded before the current due date expires. UP further states that additional time is needed because, given the multiple parties involved and IDOT's review of the railroads' proposal, it may take that period of time for all responses to be analyzed and mediated, if necessary. UP states that it remains hopeful that the negotiations will

prove successful, in which case UP would not oppose IDOT's application. UP states that counsel for IDOT has indicated that IDOT has no objection to the requested extension.

In light of the ongoing discussions among the parties, UP's request is reasonable and consistent with the Board's preference for private-sector negotiation and resolution of disputes. Therefore, the request will be granted.

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

It is ordered:

1. The deadline for submission of protests or written comments responsive to IDOT's abandonment and discontinuance of service application is extended until June 30, 2005.
2. The due date for IDOT's reply to opposition to its application is extended, accordingly, to July 15, 2005.
3. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary