

37303
DO

SERVICE DATE – SEPTEMBER 1, 2006

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB-12 (Sub-No. 184X)

SOUTHERN PACIFIC TRANSPORTATION COMPANY–ABANDONMENT
EXEMPTION–WENDEL-ALTURAS LINE IN MODOC AND LASSEN
COUNTIES, CA

Decided: August 31, 2006

Southern Pacific Transportation Company (SP) filed a petition for exemption under 49 U.S.C. 10505 [now 49 U.S.C. 10502] 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. A decision and notice of interim trail use or abandonment (NITU) was served and published in the Federal Register on August 12, 1996 (61 FR 41823-30), authorizing, among other things, a 180-day period for SP to negotiate an interim trail use/rail banking agreement with various parties and governmental agencies for the 85.5-mile line of railroad.¹ The negotiating period under the NITU was extended several times; the latest extension served on September 1, 2005, extended the negotiation period until September 3, 2006.

On August 17, 2006, U.S. Department of the Interior, Bureau of Land Management (BLM), filed a request to extend the negotiation period under the NITU until March 3, 2007. BLM states that the additional time is needed to negotiate with UP regarding the value of the lands to be rail banked. On August 29, 2006, UP filed its response, stating that it agrees to the extension request to complete negotiations.

Where, as here, the carrier is willing to continue trail use negotiations, the NITU negotiating period may be extended. An extension of the negotiating period will promote the

¹ This proceeding is 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 (see Union Pacific/Southern Pacific Merger, 1 S.T.B. 233 (1996)), was consummated on September 11, 1996. SP was subsequently merged into Union Pacific Railroad Company (UP).

establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d).² Accordingly, the NITU negotiating period will be extended to March 3, 2007.³

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

It is ordered:

1. BLM's request to extend the NITU negotiating period is granted.
2. The NITU negotiating period is extended to March 3, 2007.
3. The decision is effective on its service date.

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

Vernon A. Williams
Secretary

² See Rail Abandonments-Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

³ Although the request exceeds the customary request of 180 days, the Board has granted such requests in the past. See, e.g., Southern Pacific Transportation Company-Abandonment Exemption-in Jackson, Victoria and Wharton Counties, TX, Docket No. AB-12 (Sub-No. 162X) (STB served May 29, 1996).