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SERVICE DATE – JUNE 11, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 223X)

UNION PACIFIC RAILROAD COMPANY–ABANDONMENT EXEMPTION–IN SMITH  
COUNTY, TX

Decided: June 8, 2007

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 7.25-mile line of railroad, the Tyler Industrial Lead, extending from milepost 0.25 near Troup to milepost 7.50 near Whitehouse, in Smith County, TX. Notice of the exemption was served and published in the Federal Register on May 11, 2006 (71 FR 27531-32). The exemption became effective on June 10, 2006. In the May 11, 2006 notice, the Board stated that, if consummation has not been effected by UP's filing of a notice of consummation by May 11, 2007, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.<sup>1</sup>

Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings. On May 15, 2007, UP filed a request to extend, for 180 days, the time to consummate the abandonment. In support, UP states that it is negotiating the sale of the track and right-of-way to the Texas Department of Transportation for rail banking purposes. UP has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding. Accordingly, 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. UP's request for an extension of time to consummate the abandonment is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before November 7, 2007.

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<sup>1</sup> By decision served on June 9, 2006, the proceeding was reopened at the request of the Board's Section of Environmental Analysis and the exemption was made subject to one environmental condition, which remains in effect.

3. This decision is effective on its date of service.

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

Vernon A. Williams  
Secretary