

38012
SEC

SERVICE DATE – JUNE 6, 2007

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: June 5, 2007

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.

The parties have requested, and have obtained, numerous extensions of time to file written comments or protests in this proceeding. The most recent extension ended on February 1, 2007.

By letter filed on May 11, 2007, UP has requested that the due date for written comments or protests in this proceeding be extended until February 1, 2008. UP states that another extension would be appropriate because the parties are still engaged in negotiations and that proposals are being reviewed. UP states it is requesting a 365-day extension because, given the multiple parties involved and IDOT's review of the proposals, it may take that period of time for all responses to be analyzed and mediated, if necessary. UP adds that it remains hopeful that the negotiations will prove successful, in which case UP would not oppose IDOT's application. UP states that IDOT does not object to the requested extension.

In light of the ongoing discussions among the parties, UP's request for an extension is reasonable. An extension until February 2008, however, has not been justified. While the Board favors providing the opportunity for private-sector negotiations that can minimize parties' differences, this proceeding has been pending for some time with little sign of progress. Therefore, an extension of the time for filing protests and written comments will be granted only

until December 3, 2007. Moreover, no further extensions will be granted unless compelling evidence is shown that the parties have made serious efforts to resolve remaining differences.

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 December 3, 2007.
2. The due date for IDOT's reply to opposition to its application is extended, accordingly, to December 20, 2007.
3. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary