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SERVICE DATE - AUGUST 30, 1999

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33785]

Utah Railway Company–Acquisition and Operation Exemption–Lines of Utah Transit Authority in Salt Lake City, UT

The Utah Railway Company (URC), a Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.41, *et seq.* to acquire rights to operate over approximately 25 miles of rail line from milepost 775.19 at the Salt Lake County/Utah County boundary line to milepost 798.74 at Ninth South Street in Salt Lake City, including the 1.4-mile Lovendahl Spur. URC filed a supplement to the notice on August 9, 1999.

The notice recites that URC is acquiring “certain rights of Salt Lake City Southern Railroad Company, Inc. (SLCS) to operate over certain rail lines owned by Utah Transit Authority (UTA).” While UTA owns the underlying real property, it does not possess an ownership interest in a railroad right-of-way as such ownership is understood by this agency. If it did, UTA would have had to obtain authority from this agency for such an acquisition. UTA holds no such authority. Rather, SLCS owns the right-of-way, having acquired a permanent easement from the Union Pacific Railroad Company.

The notice recites that URC may consummate the transaction on September 30, 1999, 60 days after notice of the proposed transaction was posted at the workplace of the employees on the affected line. The regulations at 49 CFR 1150.42(e) provide, however, that the transaction not be consummated until 60 days after certification to the Board that the

notice has been posted. Because this agency did not receive the certification until August 9, 1999, the transaction may not be consummated until October 8, 1999 at the earliest. In STB Docket No. AB-520, Salt Lake City Southern Railroad Company, Inc.--Adverse Abandonment--Line Of Utah Transit Authority in Salt Lake County, Utah, UTA has filed an adverse abandonment application against SLCS. UTC states that it will consummate the transaction in this proceeding after the Board authorizes SLCS's abandonment.

If this notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. An original and 10 copies all pleadings, referring to STB Finance Docket No. 33785, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington D.C. 20423-0001. In addition, a copy of each pleading must be served on Theodore A. McConnell, Kirkpatrick & Lockhart LLP, 1500 Oliver Building, Pittsburgh, PA 15222.

Board decisions and notice are available on our website at  
"WWW.STB.DOT.GOV."

Decided: August 24, 1999.

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

Vernon A Williams

Secretary