

38328
DO

SERVICE DATE – OCTOBER 1, 2007

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: September 28, 2007

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 [now 49 U.S.C. 10903] to abandon an 85.5-mile 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 line.¹ The negotiating period under the NITU was extended several times; the latest decision, served on June 6, 2007, extended the negotiation period until September 3, 2007.

On August 20, 2007, 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, 2008. BLM states that since the latest extension, that it has tentatively agreed on a purchase price, but more time is needed to negotiate with UP. In a response filed on August 27, 2007, UP states that it is agreeable to an extension of the negotiation period until March 3, 2008.

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 establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C.

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).

1247(d). Accordingly, the NITU negotiating period will be extended to March 3, 2008.² Given the time that has elapsed since abandonment was authorized, the parties are once again urged to conclude their negotiations so that further extensions are not necessary. Under the circumstances, the Board will likely deny any requests for a further extension.

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, 2008.
3. This decision is effective on its date of service.

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

Vernon A. Williams
Secretary

² 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).