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SERVICE DATE - SEPTEMBER 10, 2002

SURFACE TRANSPORTATION BOARD

DECISION AND MODIFICATION OF NOTICE OF INTERIM TRAIL USE OR  
ABANDONMENT

STB Docket No. AB-33 (Sub-No. 93X)<sup>1</sup>

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT  
EXEMPTION—IN WHITTIER JUNCTION-COLIMA JUNCTION LINE  
IN LOS ANGELES COUNTY, CA

Decided: September 5, 2002

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152.50 to abandon approximately 5.18 miles of the Whittier Junction-Colima Junction line (portion of the Anaheim Branch) from milepost 0.0 near Whittier Junction to milepost 5.18 near Colima Junction, in Los Angeles County, CA. Notice of the exemption was served and published in the Federal Register on August 12, 1996 (61 FR 41823). On December 13, 1996, a notice of interim trail use or abandonment (NITU) was served authorizing a 180-day period for the City of Whittier (City) to negotiate an interim trail use/rail banking agreement with UP for the 5.18-mile line of railroad. The negotiation period under the NITU was extended several times at the request of UP and expired on December 31, 2000.

By petition filed November 30, 2001, the City late-filed a request for issuance of a NITU pursuant to the National Trails System Act, 16 U.S.C. 1247(d), for the portion of the right-of-way between milepost 0.43 near the grade crossing at Pioneer Boulevard and milepost 5.11 near Colima Junction, a distance of approximately 4.68 miles. On December 14, 2001, a decision was served authorizing the City to negotiate with UP for that portion of the right-of-way.

On June 25, 2002, the City filed a request to terminate trail use over a 15,000 square foot-parcel located between approximately milepost 2.70 near Mar Vista Street and approximately milepost

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<sup>1</sup> 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. The common control authority sought in that proceeding was granted by the Board in Union Pacific/Southern Pacific Merger, 1 S.T.B. 233 (1996), and was consummated on September 11, 1996.

2.78 near Pickering Avenue, on what the City describes as the eastern boundary of the line. The City states that, in connection with a transaction involving the sale of real property, it has decided to terminate trail use over that portion of the right-of-way. The City requested that the partial vacation of the NITU be made effective on July 23, 2002. By decision served July 18, 2002, the proceeding was reopened and the NITU served December 14, 2001, was vacated with respect to the 15,000 square foot-parcel along the right-of-way between milepost 2.70 and milepost 2.78 and UP was permitted to fully abandon that portion of the right-of-way for which the NITU had been vacated, effective July 23, 2002, as requested.<sup>2</sup>

The July 18 decision included reference to the City's statement that, if the transaction was not completed by July 23, 2002, the City would advise the Board and amend its request to reflect a new effective date for vacating the NITU. On August 19, 2002, the City filed a letter stating that the real property transaction did not close on July 23, 2002, but instead closed on August 13, 2002. The City therefore requested that the effective date for the partial vacation of the NITU be changed to August 13, 2002. The City's request will be granted.

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

It is ordered:

1. The City's request to amend the effective date of its June 25, 2002 request for partial vacation of the NITU is granted.
2. The vacation of the NITU as to the 15,000 square foot-parcel along the right-of-way between 2.70 and milepost 2.78 is effective as of August 13, 2002.

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<sup>2</sup> On August 2, 2002, UP notified the Board that, on July 23, 2002, it had closed the transaction covering the 15,000 square foot-parcel, which UP indicates covers only a small extra width parcel on the line. UP also stated that, in its view, no notice of consummation of abandonment is necessary because the sale of the extra width parcel will not disrupt the continuity of the line and the property sold would not be necessary for future reestablishment of rail service over the right-of-way.

3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary