

41572
DO

SERVICE DATE – MAY 2, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 33 (Sub-No. 280X)

UNION PACIFIC RAILROAD COMPANY–ABANDONMENT EXEMPTION AND
DISCONTINUANCE OF SERVICE–IN TARRANT COUNTY, TEX.

Decided: April 29, 2011

By decision served on November 25, 2009 (November 2009 decision), the Board, under 49 U.S.C. § 10502, exempted from the requirements of 49 U.S.C. § 10903 the abandonment and discontinuance by Union Pacific Railroad Company (UP) and the discontinuance of service by Fort Worth and Dallas Belt Railroad Company (FWDB) and Fort Worth and Western Railroad Company (FWWR) (collectively petitioners), as follows:¹ (1) UP to abandon and discontinue service over a segment of its North Fort Worth Branch line of railroad between milepost 633.02 and milepost 634.25, a distance of approximately 1.23 miles in Tarrant County, Tex.; (2) FWDB to discontinue operations over the subject line segment;² and (3) FWWR to discontinue overhead and local trackage rights over the subject line segment.³ Petitioners state that the lease and trackage rights will remain in full force and effect for the remainder of the North Fort Worth Branch.

The November 2009 decision directed petitioners to continue to provide rail service to Commercial Metals Co. (CM), the only shipper on the line, until CM completed its relocation to its new rail-served facility and that petitioners not consummate their abandonment and discontinuance authority for the portion of the line

¹ The November 2009 decision embraced AB 1038X, Fort Worth and Dallas Belt Railroad Company–Discontinuance Of Service–in Tarrant County, Tex., and AB 546X, Fort Worth and Western Railroad Company–Discontinuance Of Service–in Tarrant County, Tex.

² FWDB operated the line pursuant to a lease with UP. See Fort Worth and Dallas Belt R.R.–Acquisition and Operation Exemption–Certain Lines of St. Louis Sw. Ry., FD 32514 (ICC served June 22, 1994).

³ FWDB, a corporate affiliate of FWWR, granted FWWR these trackage rights. See Fort Worth & W. R.R.–Trackage Rights Exemption–Fort Worth and Dallas Belt R.R., FD 32590 (ICC served Nov. 10, 1994).

needed to serve CM during that time. In the November 2009 decision, the Board also ordered that, if consummation had not been effected by UP's filing of a notice of consummation by November 25, 2010, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire.

On December 29, 2009, UP filed a letter stating that it had consummated the abandonment of 2 portions of the North Fort Worth Branch line. One portion extended between milepost 633.02 and milepost 633.44 and the other extended between milepost 634.06 and milepost 634.25, a distance of 0.61 miles in Tarrant County. UP stated that it would not consummate the remaining portion between milepost 633.44 and milepost 634.06 needed to serve CM until CM has relocated.

By decision served on November 1, 2010, the Board granted UP's request for extension, until November 25, 2011, the time to file its notice of consummation on the remaining portion of the North Fort Worth Branch, between milepost 633.44 and milepost 634.06, used to continue service to CM until CM completes its relocation.

On April, 15, 2011, UP states in its letter that CM has contacted it requesting a short extension of rail service over the above-described remaining portion of the line until December 31, 2011. Therefore, UP is requesting a further extension until December 31, 2011, for the time to file its notice of consummation on the remaining portion. UP states that FWDB and FWWR have verified to it that CM, during the process of relocating to its new facility, will require rail service on the remaining portion of the line until December 31, 2011.

Under 49 CFR § 1152.29(e)(2), a railroad may, for good cause shown, request an extension of time to file a notice of consummation in abandonment proceedings. 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 exercise the abandonment authority for the remaining portion of the North Fort Worth Branch, between milepost 633.44 and milepost 634.06, is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before December 31, 2011.
3. This decision is effective on its service date.

By the Board, Joseph H. Dettmar Acting Director, Office of Proceedings.