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SERVICE DATE – LATE RELEASE OCTOBER 19, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 33 (Sub-No. 277X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN
LAFOURCHE PARISH, LA.

Docket No. AB 318 (Sub-No. 7X)

LOUISIANA & DELTA RAILROAD, INC.—DISCONTINUANCE OF SERVICE
EXEMPTION—IN LAFOURCHE PARISH, LA.

Decided: October 19, 2011

On September 29, 2011, Union Pacific Railroad Company (UP) and Louisiana & Delta Railroad, Inc. (LDRR) (collectively, applicants) jointly filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments and Discontinuances of Service for UP to abandon and LDRR to discontinue service over a portion of the line of railroad known as the Lockport Branch, extending between milepost 1.7 near Raceland and milepost 14.2 near Jay, a distance of 12.5 miles, in Lafourche Parish, La.

In their notice of exemption, applicants stated that they originally considered filing a petition for exemption in 2009 to abandon and discontinue service over the line and filed a combined Environmental and Historic Report (EHR) on April 7, 2009. Applicants indicated that Lafourche Parish had notified applicants that it opposed the abandonment, claiming that there would be adverse effects on business. Applicants had discussions with Lafourche Parish about its concerns and noted that there was a team track at Raceland that was available for transloading for local business, and that a joint UP/BNSF Railway line was located nearby. Applicants delayed their filing, but no new request for service on the line was made. Now, because there has been no service on the line for 2 years, applicants note that they are eligible for the 2-year out-of-service class exemption.

After consulting with the Board's Office of Environmental Office (OEA), applicants were advised that the EHR should be re-filed and served on the required governmental entities to allow them time to comment on it. Thus, on October 5, 2011, pursuant to 49 C.F.R. §§ 1105.7 and 1105.8, UP re-filed and served the EHR, with a certificate of service and a transmittal letter pursuant to 49 C.F.R. § 1105.11.

Pursuant to 49 C.F.R. §§ 1105.7 and 1105.8, the EHR must be served on the governmental entities at least 20 days prior to the filing of a notice of exemption. Thus, on October 13, 2011, UP filed a letter requesting that applicants' notice of exemption be held in

abeyance until October 25, 2011 (20 days after the EHR was re-filed), to allow the governmental entities having a potential interest in the abandonment and discontinuance to respond to the EHR.

The abeyance request is reasonable and will be granted. Accordingly, the notice of exemption filed in these proceedings on September 29, 2011, will be held in abeyance and treated as filed as of October 25, 2011.

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

It is ordered:

1. UP's request to hold the proceedings in abeyance is granted. The notice of exemption filed on September 29, 2011, will be held in abeyance and treated as filed as of October 25, 2011.
2. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.