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SERVICE DATE - JULY 30, 1999

SURFACE TRANSPORTATION BOARD

DECISION¹

Docket No. AB-3 (Sub-No. 133X)

MISSOURI PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--
IOWA JUNCTION LINE-MANCHESTER LINE IN JEFFERSON DAVIS AND
CALCASIEU PARISHES, LA

Docket No. AB-12 (Sub-No. 184X)

SOUTHERN PACIFIC TRANSPORTATION COMPANY--ABANDONMENT
EXEMPTION--WENDEL-ALTURAS LINE IN MODOC AND LASSEN
COUNTIES, CA

Docket No. AB-12 (Sub-No. 187X)

SOUTHERN PACIFIC TRANSPORTATION COMPANY--ABANDONMENT
EXEMPTION--SEABROOK-SAN LEON LINE IN GALVESTON
AND HARRIS COUNTIES, TX

Docket No. AB-33 (Sub-No. 93X)

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

Docket No. AB-33 (Sub-No. 96)

¹ These proceedings are 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, Decision No. 44 (STB served Aug. 12, 1996) was consummated on September 11, 1996. Missouri Pacific Railroad Company (MPRR) was merged into Union Pacific Railroad Company (UPRR) on January 1, 1997; Southern Pacific Transportation Company (SPT) merged into UPRR on February 1, 1998. The acronym "UP" has reference to the combined UP/SP rail system.

Docket No. AB-3 (Sub-No. 133X), et al.

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT--BARR-GIRARD
LINE IN MENARD, SANGAMON AND MACOUPIN COUNTIES, IL

Docket No. AB-33 (Sub-No. 97X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--
IN DECAMP-EDWARDSVILLE LINE IN MADISON COUNTY, IL

Docket No. AB-33 (Sub-No. 98X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--
EDWARDSVILLE-MADISON LINE IN MADISON COUNTY, IL

Docket No. AB-33 (Sub-No. 99X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--
LITTLE MOUNTAIN JUNCTION-LITTLE MOUNTAIN LINE
IN BOX ELDER AND WEBER COUNTIES, UT

Decided: July 23, 1999

In Docket No. AB-3 (Sub-No. 133X), Missouri Pacific Railroad Company (MPRR) filed a petition for exemption under 49 U.S.C. 10505² from the prior approval requirements of 49 U.S.C. 10903-04 to abandon an approximately 8.5-mile rail line between milepost 680.0 near Iowa Junction and milepost 688.5 near Manchester in Jefferson Davis and Calcasieu Parishes, LA.³ In Docket No. AB-12 (Sub-No. 184X), Southern Pacific Transportation Company (SPT) filed a petition for exemption under 49 U.S.C. 10505 from the prior approval requirements of 49 U.S.C. 10903-04 to abandon an 85.5-mile rail line between milepost 360.1, near Wendel, and milepost 445.6, near Alturas, in Modoc and Lassen Counties, CA. In Docket No. AB-12 (Sub-No. 187X), SPT filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments and Discontinuances to abandon approximately 10.5 miles of its Seabrook-San Leon Line from milepost

² The statutory provisions cited in this decision were those in effect prior to January 1, 1996, as those provisions applied to the Board's decision in UP/SP and the related proceedings.

³ By letter filed June 14, 1999, UP notified the Board that, on June 1, 1999, it had discontinued service on the line as authorized.

30.0 near Seabrook, to milepost 40.5 near San Leon, in Galveston and Harris Counties, TX.⁴ In Docket No. AB-33 (Sub-No. 93X), Union Pacific Railroad Company (UPRR) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments and Discontinuances 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.⁵ In Docket No. AB-33 (Sub-No. 96), UPRR filed an application under 49 CFR 1152.22 to abandon approximately 38.4 miles of rail line extending from milepost 51.0 near Barr to milepost 89.4 near Girard in Menard, Sangamon, and Macoupin Counties, IL.⁶ In Docket No. AB-33 (Sub-No. 97X), UPRR filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments and Discontinuances to abandon approximately 14.6 miles of the DeCamp-Edwardsville line (portion of the Madison Subdivision) from milepost 119.2 near DeCamp to milepost 133.8 near Edwardsville, in Madison County, IL.⁷ In Docket No. AB-33 (Sub-No. 98X), UPRR filed a petition for exemption under 49 U.S.C. 10505 from the prior approval requirements of 49 U.S.C. 10903-04 to abandon its 14.98-mile rail line from milepost 133.8 near Edwardsville to milepost 148.78 near Madison, in Madison County, IL.⁸ In Docket No. AB-33 (Sub-No. 99X), UPRR filed a notice of exemption under 49 CFR part 1152 Subpart F--Exempt Abandonments and Discontinuances to abandon approximately 12.0 miles of the Little Mountain Junction-Little

⁴ On November 20, 1996, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for the City of Dickinson to negotiate an interim trail use/rail banking agreement with SPT.

⁵ On December 13, 1996, a NITU was served, authorizing a 180-day period for the City of Whittier to negotiate an interim trail use/rail banking agreement with UP. On March 27, 1998, UP notified the Board that it had discontinued service over the line on March 1, 1998.

⁶ By letter filed December 2, 1998, UP notified the Board that, on November 25, 1998, it had discontinued all common carrier rail operations over the line.

⁷ By letter filed December 2, 1998, UP notified the Board that it discontinued service over the 14.0-mile portion of the line between milepost 19.8 near DeCamp and milepost 133.8 near Edwardsville on November 25, 1998. UP also indicated that it is not exercising the authority conferred for the 0.6-mile segment between milepost 119.2 and milepost 119.8 near DeCamp, which UP states was being sold to Norfolk Southern Railway as part of the transaction in STB Finance Docket No. 33610.

⁸ By letter filed December 2, 1998, UP notified the Board that, on November 25, 1998, it had exercised the authority conferred as follows: (1) service was discontinued over the 7.2-mile portion between milepost 133.8 near Edwardsville and milepost 141.0 near Stallings, IL; and (2) the 4.2-mile portion of the line extending from milepost 141.0 near Stallings and milepost 145.2 near Granite City, IL was reclassified to industrial trackage. UP also indicated that it is not exercising the authority conferred for the 3.58-mile segment between milepost 145.2 near Granite City to milepost 148.78 near Madison, IL.

Mountain Line (portion of the Little Mountain Branch) from milepost 0.0 near Little Mountain Junction to milepost 12.0 near Little Mountain, in Box Elder and Weber Counties, UT.⁹

The negotiation periods for the CITUs, served on September 10, 1996, and NITUs, served and published in the Federal Register on August 12, 1996 (61 FR 41823-30), authorize, among other things,¹⁰ a 180-day period for MPRR, UPRR and SPT to negotiate an interim trail use/rail banking agreement with various parties and governmental agencies. The negotiation periods for these proceedings were extended by decisions served February 10, 1997, January 26, 1998, and August 5, 1998. The negotiation periods are scheduled to expire on August 8, 1999.

By letter filed July 14, 1999, UP requests an extension of the CITU and NITU negotiation periods for these proceedings. Specifically, UP requests a 6-month extension (through February 8, 2000) for lines over which service already has been discontinued,¹¹ and a 1-year extension (through August 8, 2000) for lines over which service has not been discontinued.¹² UP states that it has not consummated any of these abandonments, and that it has not negotiated with the parties interested in trail use on the lines in Docket No. AB-12 (Sub-Nos. 184X and 187X) because of the uncertainty as to the timing of these two abandonments. UP also states that, as noted in the August 5, 1998 decision, the timing of these two abandonments will be determined by ongoing merger implementation, the securing of labor implementing agreements, systems integration, and completion of various capital projects outlined in the merger. As for the remaining six lines over which service had been discontinued, UP anticipates that the requested 6 months will be sufficient time to reach final trail use agreements on these lines, or determine whether any such agreements are likely.

Further extensions of the NITU and CITU negotiating periods are warranted. The requested extensions will promote the establishment of trail use and rail banking consistent with the National

⁹ By letter filed December 22, 1997, and amended on December 31, 1997, UP notified the Board that it had exercised the authority conferred as follows: (1) service was discontinued over the 10-mile portion of the line extending from milepost 1.0 near Little Mountain Junction to milepost 11.0 near Little Mountain, UT; (2) the 1-mile portion of the line extending from milepost 0.0 to milepost 1.0 near Little Mountain Junction, UT, was reclassified to yard trackage; and (3) the 1-mile portion of the line extending from milepost 11.0 to milepost 12.0 near Little Mountain, UT, was reclassified to yard trackage.

¹⁰ The abandonments are subject to historic and environmental mitigating conditions imposed in UP/SP, Decision No. 44, slip op. at 281-84.

¹¹ This includes Docket No. AB-3 (Sub-No. 133X) and Docket No. AB-33 (Sub-Nos. 93X, 96, 97X, 98X and 99X).

¹² This includes Docket No. AB-12 (Sub-Nos. 184X and 187X). On July 15, 1999, the United States Department of Interior, Bureau of Land Management (BLM) filed a request for a 2-year extension of the NITU from the August 9, 1999 date in Docket No. AB-12 (Sub-No. 184X).

Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The purpose of the Trails Act is to preserve rail corridors for possible reactivation of rail service by permitting and encouraging their interim use as recreational trails. See Policy State on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990).

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

It is ordered:

1. The periods for negotiations for interim trail use/rail banking in Docket No. AB-3 (Sub-No. 133X), and Docket No. AB-33 (Sub-Nos. 93X, 96, 97X, 98X, and 99X) are extended to February 8, 2000.¹³

2. The periods for negotiations for interim trail use/rail banking in Docket No. AB-12 (Sub-Nos. 184X and 187X) are extended to August 8, 2000.

3. The request by BLM to extend the NITU in Docket No. AB-12 (Sub-No. 184X) for 2 years is denied.

4. The decision is effective on the service date.

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

Vernon A. Williams
Secretary

¹³ In Docket No. AB-33 (Sub-No. 96), UP states that it is no longer willing to negotiate trail use of the bridge near milepost 89.4 at the South end of the line near Girard. The extension of the NITU does not cover this structure.

In Docket No. AB-33 (Sub-No. 97X), discussed in footnote 7, because it appears that UP is no longer willing to negotiate for trail use with respect to a portion of that line, the extension of the NITU will not cover the 0.6-mile segment between milepost 119.2 and milepost 119.8 near DeCamp.

In Docket No. AB-33 (Sub-No. 98X), discussed in footnote 8, because it appears that UP is no longer willing to negotiate for trail use with respect to a portion of that line, the extension of the NITU will not cover the 3.58-mile portion between milepost 145.2 near Granite City and milepost 148.78 near Madison.