

SERVICE DATE - JUNE 8, 2000

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB-3 (Sub-No. 66)

MISSOURI PACIFIC RAILROAD COMPANY--ABANDONMENT--  
IN MUSKOGEE, WAGONER AND TULSA COUNTIES, OK

Decided: June 5, 2000

In a decision and certificate and notice of interim trail use or abandonment (CITU/NITU) served on October 11, 1996, the Board modified the certificate issued in Docket No. AB-3 (Sub-No. 66) and the notice of exemption served in Docket No. AB-3 (Sub-No. 90X) to the extent necessary to implement interim trail use/rail banking, and authorized a 180-day period for the city of Muskogee (the City) to negotiate a trail use agreement with Missouri Pacific Railroad Company (MP)<sup>1</sup> for the right-of-way of a 3.7-mile segment of the former Midland Valley Branch Rail Line (Midland Branch) between milepost 97.50 and milepost 101.20.<sup>2</sup> At the City's request, the 180-day trail use negotiating period was extended through July 7, 1997, by decision served on April 8, 1997. On December 1, 1997, UP filed a letter advising the Board that the right-of-way that is subject to the trail use conditions in these proceedings had been conveyed to the City effective November 21, 1997.

By letter filed on May 1, 2000, the City requests that the Board modify the October 11, 1996 CITU in Docket No. AB-3 (Sub-No. 66) to allow the abandonment of a .9-mile portion of the Midland Branch, beginning at the east Section Line of Section 30, Township 15 North, Range 18 East of Muskogee County<sup>3</sup> and ending at milepost 101.2. UP agrees with the City's request.

Under 49 CFR 1152.29(c)(2), whenever a trail user intends to terminate trail use over a portion of the right-of-way and sends the Board a request that a CITU be vacated, the Board will reopen the abandonment proceeding, vacate the CITU, and issue a decision permitting immediate abandonment for the involved portion of the right-of-way.

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<sup>1</sup> MP's interests have been assumed by its successor, Union Pacific Railroad Company (UP).

<sup>2</sup> This segment consisted of 2.7 miles from milepost 97.50 to milepost 100.20 in Docket No. AB-3 (Sub-No. 90X) and 1 mile from milepost 100.20 to milepost 101.20 in Docket No. AB-3 (Sub-No. 66).

<sup>3</sup> Because mileposts apparently no longer exist at that location, the City identified the starting point by its legal description.

The City has complied with the requirements of 49 CFR 1152.29(c)(2) regarding a request to vacate the CITU. Therefore, this proceeding will be reopened and the request to partially vacate the CITU 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. This proceeding is reopened.
2. The CITU in Docket No. AB-3 (Sub-No. 66) is vacated with respect to that portion of the Midland Branch, beginning at the east Section Line of Section 30, Township 15 North, Range 18 East of Muskogee County and ending at milepost 101.2. UP may fully abandon that portion of the line for which the CITU has been vacated. The right-of-way described in the CITU served on October 11, 1996, remains in effect, except for that portion vacated in this decision.
3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary