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SERVICE DATE - FEBRUARY 10, 1997

SURFACE TRANSPORTATION BOARD¹

DECISION²

Docket No. AB-3 (Sub-No. 130)

MISSOURI PACIFIC RAILROAD COMPANY--ABANDONMENT--TOWNER-NA
JUNCTION LINE IN KIOWA, CROWLEY, AND PUEBLO COUNTIES, CO

Docket No. AB-3 (Sub-No. 131)

MISSOURI PACIFIC RAILROAD COMPANY--ABANDONMENT--HOPE-
BRIDGEPORT LINE IN DICKINSON AND SALINE COUNTIES, KS

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--

¹ The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (ICCTA), enacted on December 29, 1995, and effective on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Surface Transportation Board (Board). Section 204(b)(1) of the ICCTA provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the ICCTA. This proceeding was pending with the ICC prior to January 1, 1996, and relates to functions retained under Board jurisdiction pursuant to new 49 U.S.C. 10903. Citations are to the former sections of the statute, unless otherwise indicated.

² 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).

STB Docket No. AB-3 (Sub-No. 130), et al.

WHITTIER JUNCTION-COLIMA JUNCTION LINE
IN LOS ANGELES COUNTY, CA

Docket No. AB-33 (Sub-No. 94X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--
MAGNOLIA TOWER-MELROSE LINE IN ALAMEDA COUNTY, CA

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

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: February 4, 1997

In Docket No. AB-3 (Sub-No. 130), Missouri Pacific Railroad Company (MPRR) filed an application under 49 CFR 1152.22 to abandon, and the Denver and Rio Grande Western Railroad Company (DRGW) to discontinue its overhead trackage rights operations over, MPRR's Towner-NA Junction Line, which extends between MP 869.4 near NA (North Avondale) Junction, CO, and MP 747.0 near Towner, CO, a distance of approximately 122.4 miles in Pueblo, Crowley, and Kiowa Counties, CO. In Docket No. AB-3 (Sub-No. 131), MPRR filed an application under 49 CFR 1152.22 to abandon, and the DRGW to discontinue its trackage rights on a line of railroad extending from milepost 459.20 near Hope to milepost 491.20 near Bridgeport, a distance of approximately 31.24 miles (milepost 478.05 = milepost 478.81) in Dickinson and Saline Counties, KS. In Docket No. AB-3 (Sub-No. 133X), MPRR filed a petition for exemption under 49 U.S.C. 10505 from 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. 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 prior approval requirements

of 49 U.S.C. 10903-04 to abandon 85.5 mile line of its 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 30.0 near Seabrook, to milepost 40.5 near San Leon, in Galveston and Harris Counties, TX.³ 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.⁴ In Docket No. AB-33 (Sub-No. 94X), UPRR filed a notice of exemption under 49 CFR part 1152 Subpart F--Exempt Abandonments and Discontinuances to abandon approximately 4.9 miles of the Magnolia Tower-Melrose line (portion of the Canyon Subdivision) from milepost 5.8 near Magnolia Tower to milepost 10.7 near Melrose, in Alameda 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 near milepost 51.0 near Barr to milepost 89.4 near Girard in Menard, Sangamon, and Macoupin Counties, IL. 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. 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

³ On November 20, 1996, a decision and notice of interim trail use or abandonment and a public use condition was served authorizing a 180-day period for the City of Dickinson to negotiate an interim trail use/rail banking agreement with SPT. The 180-day period under the NITU is scheduled to expire on March 10, 1997.

⁴ On December 13, 1996, a decision and notice of interim trail use or abandonment and public use condition was served authorizing a 180-day period for the City of Whittier to negotiate an interim trail use/rail banking agreement with UPRR. The 180-day period under the NITU is scheduled to expire on March 10, 1997.

⁵ A 180-day public use condition was imposed under 49 U.S.C. 10906 at the request of San Francisco Bay Trail for a portion of the line from milepost 7.6 to milepost 7.1. The condition required that UPRR keep the right-of-way intact, including bridges, culverts, and similar structures, for a period of 180 days after the September 11, 1996 effective date of the exemption to permit San Francisco and any other state or local government agency, or other interested person, to negotiate for acquisition of the line for public use. On January 22, 1997, a decision and notice of interim trail use or abandonment was served authorizing a 180-day period for the City of Oakland to negotiate an interim trail use/rail banking agreement with UPRR for the portion of the right-of-way from milepost 7.6 to milepost 7.1. The 180-day period is scheduled to expire on July 21, 1997.

Edwardsville to milepost 148.78 near Madison, in Madison County, IL. 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 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.

A certificate of interim trail use (CITU) and notice of interim trail use or abandonment (NITU) were served and published in the Federal Register on August 12, 1996 (61 FR 41823-41830), authorizing among other things,⁶ 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 are scheduled to expire on February 8, 1997.

By letter filed January 23, 1997, UPRR requests an extension of the CITU and NITU negotiation periods for these proceedings through February 8, 1998. UPRR states that it has not consummated any of these abandonments and that the timing of the 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. UPRR further states because of the uncertainty as to the timing of the abandonments, it has not negotiated with the parties interested in the lines.

These extension requests exceed the customary 180-day request. The customary 180-day extension period is not statutory, however, but was adopted to promote the expeditious conclusion of negotiations. See Rail Abandonments--Use of Rights-of-Way as Trails, 2 I.C.C.2d 591, 605 (1986). In keeping with 49 CFR 1100.3 and the consensual nature of the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act), the requested extensions will be granted. The extensions will promote the establishment of trail use and rail banking consistent with the 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 negotiating periods for negotiations for interim trail use/rail banking in these proceedings are extended to February 8, 1998.
2. The decision is effective on the service date.

⁶ The abandonments are subject to historic and environmental mitigating conditions imposed in UP/SP, Finance Docket No. 32760, Decision No. 44 (STB served Aug. 12, 1996), slip op. at 281-84.

STB Docket No. AB-3 (Sub-No. 130), et al.

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

Vernon A. Williams
Secretary