

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 35161

JOSEPH R. FOX—PETITION FOR DECLARATORY ORDER

Decided: August 11, 2008

On June 20, 2008, Joseph R. Fox (Fox) filed a petition for a declaratory order, requesting that a proceeding be instituted to determine whether Union Pacific Railroad Company (UP) consummated its abandonment of a 1.87-mile line of railroad located between milepost 0.00 and milepost 1.87 in Provo, UT (the Ironton Branch), and thus whether Fox's state nuisance lawsuit against UP filed in the Fourth District Court, Utah County, UT (Fourth District Court), may proceed. By letter filed on July 2, 2008, Fox states that the Fourth District Court has ordered the parties to seek a ruling from the Board regarding whether the Ironton Branch has been fully abandoned. Fox attached the Fourth District Court's order. By decision served on July 9, 2008, the Board extended the deadline for UP to file its reply to August 9, 2008.

By filing received on August 8, 2008, UP requests a 7-day extension of time to file a reply to Fox's petition for declaratory order. UP states that it has entered into discussions with Fox and that the extension will allow the parties time to continue discussions aimed at resolving the issues pending in this proceeding. According to UP, Fox does not object to the requested extension of time.

Good cause exists to grant the extension request in this case. Accordingly, UP's reply will be due no later than August 18, 2008.<sup>1</sup>

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 file its reply is granted.
2. UP's reply is due by August 18, 2008.

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<sup>1</sup> UP requested an extension of time to file its reply until August 16, 2008. Because August 16 is a Saturday, UP's reply will be due on August 18, 2008.

3. This decision is effective on its service date.

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan  
Acting Secretary