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SERVICE DATE – OCTOBER 22, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 256X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN  
DALLAS COUNTY, TX

Decided: October 21, 2008

By decision served on November 23, 2007, the Board, acting pursuant to 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903, the abandonment by Union Pacific Railroad Company (UP) of, and the discontinuance of service by Dallas, Garland & Northeastern Railroad Company over,<sup>1</sup> the Trinity Industrial Lead, between milepost 0.0 near Terminal Junction and milepost 4.1 near Mockingbird Lane, a distance of 4.1 miles, in Dallas County, TX. The exemption was subject to public use, environmental, and standard employee protective conditions.<sup>2</sup>

In the November 23 decision, the Board stated that, if consummation has not been effected by UP's filing of a notice of consummation by November 23, 2008, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire. On October 3, 2008, UP requested an extension, until February 2, 2009, of the time to consummate the abandonment. In support, UP states that, on August 29, 2008, it entered into a contract with the City of Dallas, TX (City), by which the City intends to purchase the line. UP states that closing is projected for December 19, 2008 (26 days after the current consummation deadline). UP states that an extension of time to file a notice of consummation will give the parties an opportunity to correct any difficulties that may arise in closing the transaction.

Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings. UP has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding. Accordingly, the request will be granted.

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

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<sup>1</sup> The November 23 decision embraced STB Docket No. AB-585 (Sub-No. 2X), Dallas, Garland & Northeastern Railroad Company—Discontinuance of Service Exemption—in Dallas County, TX.

<sup>2</sup> The public use condition expired on June 20, 2008, and the environmental condition remains in effect.

It is ordered:

1. UP's request for an extension of time to consummate the abandonment is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before February 2, 2009.
3. This decision is effective on its date of service.

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

Anne K. Quinlan  
Acting Secretary