

SERVICE DATE - JULY 18, 2002

SURFACE TRANSPORTATION BOARD

DECISION AND MODIFICATION OF NOTICE OF INTERIM TRAIL USE OR
ABANDONMENT

STB Docket No. AB-33 (Sub-No. 93X)¹

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

Decided: July 12, 2002

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152.50 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. Notice of the exemption was served and published in the Federal Register on August 12, 1996 (61 FR 41823). On December 13, 1996, a decision and notice of interim trail use or abandonment (NITU) was served authorizing a 180-day period for the City of Whittier (City) to negotiate an interim trail use/rail banking agreement with UP for the 5.18-mile line of railroad. The negotiation period under the NITU was extended several times at the request of UP and expired on December 31, 2000.²

By petition filed November 30, 2001, the City late-filed a request for issuance of a NITU pursuant to the National Trails System Act, 16 U.S.C. 1247(d), for the portion of the right-of-way between milepost 0.43 near the grade crossing at Pioneer Boulevard and milepost 5.11 near Colima

¹ This proceeding is 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. The common control authority sought in that proceeding was granted by the Board in Union Pacific/Southern Pacific Merger, 1 S.T.B. 233 (1996), and was consummated on September 11, 1996.

² The negotiating period under the NITU was extended by decisions served February 10, 1997, January 26, 1998, August 5, 1998, July 30, 1999 (affirmed by decision served August 4, 1999), January 26, 2000, and August 7, 2000.

Junction, a distance of approximately 4.68 miles. On December 14, 2001, a decision was served authorizing the City to negotiate with UP for that portion of the right-of-way.

On June 25, 2002, the City filed a request to terminate trail use over a 15,000 square foot-parcel located between approximately milepost 2.70 near Mar Vista Street and approximately milepost 2.78 near Pickering Avenue, on what the City describes as the eastern boundary of the line). The City states that, in connection with a transaction involving the sale of real property, it has decided to terminate trail use over that portion of the right-of-way. The City requests that the partial vacation of the NITU be made effective on July 23, 2002.³ The City further states that the transaction will involve the sale of only a small parcel and will not disrupt the continuity of the line.⁴

The City has complied with the requirements of 49 CFR 1152.29(d)(2) regarding a request to vacate a NITU. Whenever a trail manager intends to terminate trail use over a portion of the right-of-way and sends the Board a request that a NITU be vacated, the Board will reopen the proceeding, vacate the NITU, and issue a decision reinstating the abandonment authorization for that portion of the right-of-way. Therefore, the City's request to vacate the NITU will be granted with respect to a 15,000 sq. ft. parcel along the right-of-way between milepost 2.70 and milepost 2.78, and UP will be permitted to fully abandon that portion of the right-of-way, effective July 23, 2002, as requested.

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 NITU served December 14, 2001, is vacated with respect to a 15,000 sq. ft. parcel along the right-of-way between milepost 2.70 and milepost 2.78 and UP may fully abandon that portion of the right-of-way for which the NITU has been vacated. The City will remain the trail user for the remainder of the right-of-way.

³ The City states that, if the transaction is not completed by July 23, 2002, it will advise the Board and amend its request to reflect the new effective date.

⁴ The City indicates that it will continue to be the interim trail user over the remainder of the right-of-way.

3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary