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SERVICE DATE - OCTOBER 21, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-246 (Sub-No. 2X)

YREKA WESTERN RAILROAD COMPANY--
ABANDONMENT EXEMPTION--IN SISKIYOU COUNTY, CA

IN THE MATTER OF AN OFFER OF FINANCIAL ASSISTANCE

Decided: October 14, 1999

By decision served on May 4, 1999, the Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903, the abandonment by Yreka Western Railroad Company (YW), of its entire 8.9-mile line of railroad, extending between milepost 0.0 in Montague and milepost 8.9 near Yreka, in Siskiyou County, CA.¹ No conditions were imposed on the abandonment authorization. The exemption was scheduled to become effective on June 3, 1999, unless an offer of financial assistance (OFA) was filed on or before May 14, 1999. By decision served May 17, 1999, the time period for filing an OFA was extended until 10 days after YW provided the shipper, Timber Products Company (TPC), with the requested information. As the May 17 decision instructed, YW notified the Board that the information was furnished to the shipper on September 2, 1999. The exemption was rescheduled to become effective on September 22, 1999, unless stayed by the Board or unless an OFA under 49 U.S.C. 10904 and 49 CFR 1152.27 was filed on or before September 10, 1999.

On September 10, 1999, TPC timely filed an OFA to purchase a 4.5-mile portion of the line extending between milepost 0.0 at Montague, CA, where it connects with the line of the Central Oregon and Pacific Railroad, and milepost 4.5 at Yreka, CA, including all switches, signals and other devices or appurtenances. By decision served September 15, 1999, TPC was found financially responsible. The September 15 decision also postponed the effective date of the exemption authorizing the abandonment of the 4.5-portion of the line to permit the OFA process to proceed and stated that either party could request the Board to establish terms and conditions for the sale if no agreement was reached by October 12, 1999.

By letter filed October 12, 1999, TPC has withdrawn its OFA and stated that it has no objection to the Board's entering a decision permitting YW to abandon the line segment that was the subject of the OFA.²

¹ Notice was published in the Federal Register on February 3, 1999 (64 FR 5343-44).

² It appears that TPC and YW have reached an agreement for TPC to acquire the property outside the OFA process.

When a person offering to purchase a line later withdraws its offer, the Board will serve a decision vacating the prior decision which postponed the effective date of the decision granting the abandonment exemption. See 49 U.S.C. 10904 and 49 CFR 1152.27(g)(2). Accordingly, the OFA process will be terminated, and the decision served September 15, 1999, will be vacated to permit the prior abandonment authorization for the portion subject to the OFA to become effective on the service date of this decision.

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

It is ordered:

1. The OFA process in this proceeding is terminated.
2. The decision served September 15, 1999, is vacated to the extent it postponed the effective date of the abandonment exemption to permit the OFA process to proceed on the portion located between milepost 0.0 at Montague, CA, where it connects with the line of the Central Oregon and Pacific Railroad, and milepost 4.5 at Yreka, CA.³ The abandonment exemption for this portion will be effective on the service date of 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

³ The September 15 decision permitted the abandonment of the remainder of the line (between milepost 4.5 and milepost 8.9) to become effective on September 22, 1999.