

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 33 (Sub-No. 277X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN
LAFOURCHE PARISH, LA.

Decided: December 13, 2011

This decision tolls the time period for filing an OFA and postpones the effective date of the exemption.

Union Pacific Railroad Company (UP) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon a portion of a line of railroad known as the Lockport Branch, between milepost 1.7 near Raceland and milepost 14.2 near Jay, a distance of 12.5 miles, in Lafourche Parish, La. (the line). Notice of the exemption was served and published in the Federal Register on November 14, 2011 (76 Fed. Reg. 70534-35).¹ The exemption was scheduled to become effective on December 14, 2011, unless stayed by the Board or unless a formal expression of intent to file an offer of financial assistance (OFA) under 49 U.S.C. § 10904 and 49 C.F.R. § 1152.27(c)(2) was filed by November 25, 2011.

On November 23, 2011, as supplemented on November 29, 2011, Valentine LLC filed a formal expression of intent to file an OFA to purchase the line. This filing automatically stayed the effective date of the exemption for 10 days, until December 24, 2011. See 49 C.F.R. § 1152.27(c)(2)(i). In its November 29, 2011 filing, Valentine requests that the date for filing OFAs be extended until 10 days after UP furnishes Valentine with a formal appraisal of the value of the land in the railroad right-of-way to which UP has marketable fee title.

The Board will consider requests to toll the period for filing an OFA when an applicant has failed to provide a potential offeror with the information necessary to the development of an OFA and that information is not contained in the notice of exemption. See 49 C.F.R. § 1152.27(c)(2)(ii)(C). Valentine states that it has been informed by UP that a formal appraisal is being performed and that it will take approximately 30 days for the appraisal to be completed and provided to Valentine. Therefore, the request to toll the time period for filing an OFA is warranted, and the due date to file an OFA will be extended. Accordingly, Valentine's OFA will be due 10 days after UP notifies the Board in writing that it has provided Valentine with the

¹ The notice also embraced Docket No. AB 318 (Sub-No. 7X), Louisiana & Delta Railroad, Inc.—Discontinuance of Service Exemption—in Lafourche Parish, La., in which Louisiana & Delta Railroad, Inc. sought an exemption to discontinue service over the line. This decision does not affect the effective date of that discontinuance exemption.

requested information and documentation. The effective date of the exemption will be extended until 10 days after the due date for filing an OFA.

It is ordered:

1. The request to extend the due date for filing an OFA is granted.
2. The time period for Valentine to file an OFA is tolled until 10 days after UP notifies the Board in writing that it has provided Valentine with the requested information.
3. The effective date of the exemption is postponed until 10 days after the due date for the filing of an OFA.
4. This decision is effective on its date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.