

BEFORE THE  
INTERSTATE COMMERCE COMMISSION

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Finance Docket No. 9608

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IN THE MATTER OF THE APPLICATION OF UNION PACIFIC RAILROAD  
COMPANY FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND  
NECESSITY

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RETURN TO QUESTIONNAIRE

The Union Pacific Railroad Company, having made application to the Interstate Commerce Commission, under paragraph (18) of section 1 of the interstate commerce act, as amended, for a certificate of public convenience and necessity authorizing the abandonment of a branch line of railroad known as its Grass Creek Branch, which extends from a connection with applicant's Park City Branch at Grass Creek Junction to Grass Creek mine, a distance of 5.59 miles, all in Summit County, Utah, and which is more particularly described in the application herein, which application is filed in the office of the Commission in Finance Docket No. 9608, hereby affirms that the notice of the application has been published in the form prescribed by the Commission, at least once during each of three consecutive weeks, in The Summit County Bee beginning with the

issue of September 15, 1932; that said newspaper is of general circulation in Summit County, Utah, which is the only state and county in which the line of railroad proposed to be abandoned is situated; and the identified newspaper clipping hereto attached contains a true copy of the notice as published in said newspaper. The applicant also submits the following information required by the Commission:

1. When the line in question was constructed, for what purpose or purposes, and its history as an operating unit from the time of construction up to the date of this return.

ANSWER. Applicant's Park City Branch, extending from Echo to Park City, Utah, was built by the Summit County Railroad Company (referred to hereinafter as the Summit), which was succeeded in 1881 by the Echo and Park City Railroad Company (referred to hereinafter as the Echo & Park City), which was in turn succeeded by the applicant in 1899. That branch was completed in 1873. In 1880 the Summit constructed a spur 3.94 miles long extending from a connection with the Park City Branch at Grass Creek Junction to certain coal mines known as the Church Mines. That spur was dismantled by the Echo & Park City in 1887. In 1895-1896 The Grass Creek Terminal Railway Company (hereinafter called the Terminal Company) utilized the first 2.87 miles of the right of way and graded road-bed of that old spur in constructing the 5.59 miles of line now known

as applicant's Grass Creek Branch. The purpose of the construction was to reach and serve a coal mine known as the Grass Creek Mine. The line as thus reconstructed and extended has been in continuous operation since 1896 as indicated in the following tabulation:

<u>By whom operated</u>	<u>P e r i o d</u>	
	<u>From</u>	<u>To</u>
The Grass Creek Terminal Railway Company.....	1896	3-17-1897
Receivers, Echo and Park City Railway Company.....	3-18-1897	4-15-1898
Echo and Park City Railway Company.....	4-16-1898	8-15-1899
Union Pacific Railroad Company....	8-16-1899	6-10-1910
Union Fuel Company (Successor to The Grass Creek Terminal Railway Company).....	6-11-1910	4-30-1915
Union Pacific Railroad Company....	5- 1-1915	Present

Title to the right of way and road-bed of the first 2.87 miles of the Grass Creek Branch came to applicant in 1899 by conveyance from the Echo & Park City along with all other railroad property owned by the latter. The title to the balance of the branch was then in the Terminal Company. The operation of the line by the applicant during the period from August 16, 1899, to June 10, 1910, was under a contract with the Terminal Company which was to run for five years and thereafter until cancelled by either party on notice of ninety days. Prior to the termination of that agreement, the Union Fuel Company succeeded to the interest of the Terminal Company in the property and the resumption of its operation by applicant on May 1, 1915,

was under contract with the former. That contract also was to run for five years and thereafter until terminated on written notice of ninety days. It obligated applicant to maintain the property but specifically excluded from that obligation any general renewal of the rail which consisted of 56 and 60 pound second-hand rail with which the track had originally been laid. By the summer of 1922 the rail was in such condition as to require renewal and applicant insisted that if it was to continue operation of the line the replacement must be made with much heavier rail. The Mormon Church, which through a subsidiary corporation had in the meantime succeeded to the interest of the Union Fuel Company in the property, was not willing to incur the expense of this necessary renewal and offered to convey its interest in the property to applicant for the nominal consideration of \$1.00 provided applicant would renew the rail and continue the line in operation. This offer was accepted by applicant and conveyance was made in accordance therewith in 1923.

2. The general history of any past or existing receivership covering the line.

ANSWER. A part of the line under consideration was embraced in the property of the Echo & Park City which was operated by receivers from March 18, 1897, to April 15, 1898.

3. The investment cost of the line as shown by the applicant's books, stated as nearly as possible according to the primary accounts prescribed in the Interstate

Pages 5 to 9 Missing

and during the last two or three years the pillars of coal supporting the roof in the rear of the mine have been removed and practically all the shipments for some time have been made from the slack pile.

16. The passenger traffic handled on the line in question for each of the five years next preceding the current year, giving separately the number of local and connecting line passengers (if the latter designation is applicable) and the revenue derived from each class.

ANSWER. No passenger traffic was handled over the Grass Creek Branch during the period mentioned.

17. If the volume of traffic, freight or passenger, or both, has diminished during recent years, any reasons which may be assigned for such decrease.

ANSWER. As shown on Exhibit E attached hereto, the only traffic moving over this branch during recent years has consisted of coal, all of which originated at the Grass Creek Mine, and the decrease during recent months has been due to the practical cessation of operations at the mine. See answer to questions 15 and 20.

18. What effort, if any, has been made to dispose of the line in question so as to insure continued operation.

ANSWER. No effort has been made to dispose of the line since that has not been regarded as possible.

19. Opinion of counsel that the proposed abandonment is within the charter powers of the applicant.

ANSWER. The opinion called for is attached hereto and identified as Exhibit F.

20. All reasons relied upon in support of the application.

ANSWER. The sole purpose for which this branch was

constructed was to serve the Grass Creek mine and no other use for it has developed during the more than thirty-five years of its existence. The Grass Creek mine, which is the property of the Mormon Church, has been operated by lessees on a royalty basis. All the development work thereon ceased more than a year ago and since that time operations in the mine have practically been confined to the removal therefrom of the supporting pillars of coal preparatory to its abandonment. Since March of the present year the only shipments therefrom have consisted of slack coal taken from the slack pile. One of the lessees manages another coal mine, known as the Weber mine, located about two miles from Coalville and served by applicant by means of a short spur from the latter point. Its coal is of the same quality as that produced by the Grass Creek mine, the freight rates are the same from both mines, and the lessees of the Grass Creek mine have advised applicant that any orders for coal which they might have on hand at any time could readily be filled from the Weber mine and that they have no objection to the abandonment of the line here in question. The presiding Bishop of the Mormon Church, owner of the Grass Creek mine, has advised applicant that the Church is receiving very little income therefrom and has no objection to the proposed abandonment of the line here in question provided notice thereof is given in sufficient time to permit the removal of such slack coal as remains on the

ground. A period of from sixty to ninety days has been indicated as sufficient for that purpose. Applicant has given definite notice, by letters dated August 30, 1932, to both the owner and the lessees of its intention to abandon the line in question within not less than ninety days from August 31 last. Regardless of that notice, if this application is granted by the Commission, applicant will give the owner and lessees reasonable time within which to remove such loose coal as is now at the mine available for shipment before proceeding to abandon the line or the operation thereof.

There never has been any passenger service on this branch line and the movement of freight traffic, which for the past several years has consisted entirely of coal produced at the mine, has practically ceased and there is no reasonable prospect that there ever will be sufficient traffic of any kind to justify its further operation. No loss of traffic will result to applicant from its abandonment since any coal which could otherwise be expected to move from the Grass Creek mine will unquestionably be supplied by the lessees from the Weber mine, hereinbefore referred to, which is also served exclusively by applicant's rails. To continue the maintenance and operation of the line here in question, therefore, would result in wholly unnecessary and unjustifiable expense to applicant without serving any useful purpose, and it is in order to avoid



that expense that applicant wishes to discontinue its operation and abandon it. It is obvious from the foregoing recitals that there is no present or future public convenience and necessity to be served by the continued operation and maintenance of the line in question.

21. A tracing of the original map or a blue print or white print of the original tracing on sheets 24" x 56" with plain lined margins, the inside dimensions of which shall be 23" x 55", drawn to a scale of 1" equals 200' or 1" equals 400', showing the location and route of the line affected by the proposed abandonment, with its relation, within the limits of the sheet, to other railroads and other common carriers in the same territory. Also a skeleton index or route map, drawn to a scale of not less than  $\frac{1}{4}$ " equals 1 mile, on which shall be shown the line proposed to be abandoned, with its relation to other railroads or other common carriers that are within 20 miles on either side thereof and which shall be shown at any convenient place on the first sheet of the map described above, if desired, or on a separate sheet of the dimensions given above, all to be substantially in accordance with Map Order, so called, pertaining to steam railway carriers, made and entered by the Commission under date of January 12, 1914, and modified and supplemented by Valuation Orders Nos. five (5), six (6), and twenty-three (23).

(Provided maps drawn to other specifications than those outlined in this paragraph have been prepared by applicant prior to receipt of this Questionnaire, such maps may be submitted for consideration, and if approved by the Commission may be substituted for the maps required under this paragraph.)

ANSWER. Attached hereto and identified as Exhibit G is a white print alignment map of the line in question drawn on a scale of 1" equals 400', and also attached hereto and identified as Exhibit H is a general map on a scale of 1" equals 8 miles showing the relation of the line in question to other railroads in the same territory.