

INTERSTATE COMMERCE COMMISSION

Finance Docket No. 11983

LOS ANGELES & SALT LAKE RAILROAD COMPANY ET AL ABANDONMENT

Submitted May 25, 1938.

Decided June 13, 1938

Certificate issued permitting abandonment by the Los Angeles & Salt Lake Railroad Company of part of a branch of railroad in Tooele and Utah Counties, Utah, and abandonment of operation thereof by the Union Pacific Railroad Company, lessee.

A. C. Spencer for applicants.

REPORT OF THE COMMISSION

DIVISION 4, COMMISSIONERS MEYER, PORTER, AND MAHAFFIE

BY DIVISION 4:

The Los Angeles & Salt Lake Railroad Company, and the Union Pacific Railroad Company, lessee, on March 21, 1938, jointly applied for permission to abandon the part of the former's Fairfield branch line of railroad extending from a point in or near 5-Mile Pass southwesterly to the end of the branch at or near Topliff, approximately 6.14 miles, together with approximately 7.03 miles of so-called secondary track extending southeasterly from its connection with the aforesaid line at Topliff to its terminus, all in Tooele and Utah Counties, Utah. No representations have been made by any State authority, and no objection to the application has been offered.

The main track proposed to be abandoned was constructed as part of a branch line in 1881-82 by the Salt Lake & Western Railway Company, a predecessor of the Oregon Short Line Railroad Company, for the purpose of securing traffic from anticipated development of certain mineral areas in the vicinity. On July 7, 1903, the Los Angeles & Salt Lake purchased the branch line and subsequently constructed the secondary track in question. All the property of the Los Angeles & Salt Lake is operated by the Union Pacific, under lease, pursuant to authority granted by us in Union Pac. R. Co. Unification, 207 I.C.C. 543, decided July 26, 1935.

The only activity of consequence on the line from 5-Mile Pass to Topliff was at the latter point, where there is a lime-rock plant which was acquired by the American Smelting & Refining Company in 1906. Operation of the quarries was abandoned in November, 1937, as the plant at Topliff was not capable of preparing limerock in sizes to meet smelter requirements. The owners of the quarries have advised the applicants there will be no further operation. There are no industries adjacent to the line.

For many years the traffic handled consisted chiefly of freight to and from the American Smelting & Refining Company's plant at Topliff. This traffic consisted mostly of limerock, which moved from quarries served by the secondary track to the

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Topliff plant, and thence over the branch line.

The tributary territory is known as Rush Valley, which is about 5 miles wide between 5-Mile Pass and Topliff. The population therein is about 10. The only highways in the region are some scattered dirt roads. The record indicates that there is no common-carrier truck or bus service available. Topliff, no population, is a nonagency station.

The applicants state that the loss of the traffic of the American Smelting & Refining Company has deprived them of practically the sole source of revenue from operation of the line, that continued operation thereof is not warranted and is not necessary from the standpoint of convenience and necessity, and that there is no prospect of future increased traffic.

Carloads of freight handled on the line in the years 1933 to 1937, inclusive, are shown, in order, as 427, 716, 908, 1,030, and 957, of which all except 23 carloads in the entire period consisted of stone, broken, ground, or crushed. Less-than-carload freight was negligible.

From the foregoing it is apparent that there is insufficient available rail traffic to warrant continued operation of the line proposed to be abandoned, that such operation would impose an undue burden upon interstate commerce, and that the proposed abandonment will not result in serious public inconvenience.

We find that the present and future public convenience and necessity permit abandonment by the Los Angeles & Salt Lake Railroad Company of the line of railroad in Tooele and Utah Counties, Utah, described in the application, and abandonment of operation thereof by the Union Pacific Railroad Company, lessee. An appropriate certificate will be issued, effective from and after 30 days from its date, in which suitable provision will be made for the cancelation of tariffs.

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

At a Session of the INTERSTATE COMMERCE COMMISSION, Division 4,
held at its office in Washington, D. C., on the 3rd
day of June, A. D. 1938.

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Investigation of the matters and things involved in this proceeding having been made, and said division having, on the date hereof, made and filed a report containing its findings of fact and conclusions thereon, which report is hereby referred to and made a part hereof:

It is hereby certified, That the present and future public convenience and necessity permit abandonment by the Los Angeles & Salt Lake Railroad Company of the line of railroad in Tooele and Utah Counties, Utah, described in the application and report aforesaid, and abandonment of operation thereof by the Union Pacific Railroad Company, lessee.

It is ordered, That this certificate shall take effect and be in force from and after 30 days from its date. Tariffs applicable on said line of railroad may be canceled upon notice to this Commission and to the general public by not less than 10 days' filing and posting in the manner prescribed in section 6 of the Interstate Commerce Act.

It is further ordered, That the Union Pacific Railroad Company, when filing schedules canceling tariffs applicable on said line of railroad, shall in such schedules refer to this certificate by title, date, and docket number.

And it is further ordered, That the Union Pacific Railroad Company shall report to this Commission as required by valuation order No. 24, effective May 15, 1928.

By the Commission, division 4.

W. P. BARTEL,
Secretary.

(SEAL.)