

January 26, 1942

BEFORE THE
INTERSTATE COMMERCE COMMISSION

Finance Docket No. _____

APPLICATION OF LOS ANGELES & SALT LAKE RAILROAD COMPANY
FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
AUTHORIZING THE ABANDONMENT OF ITS FRISCO BRANCH
IN BEAVER COUNTY, UTAH, AND AUTHORIZING UNION
PACIFIC RAILROAD COMPANY TO ABANDON OPERA-
TION THEREOF.

Los Angeles & Salt Lake Railroad Company and its
Lessee, Union Pacific Railroad Company, hereinafter
called "Applicants", hereby make application pursuant
to paragraph 18 of Section 1 of the Interstate Commerce
Act for certificate of public convenience and necessity
authorizing

(1) the former to physically abandon, and

(2) the latter to abandon operations

over what is known as the Frisco Branch, which takes
off applicants' main line at Milford, Utah, to the end
of the branch at Frisco, Utah, hereinafter more spe-
cifically described, a distance of approximately 16.42
miles, together with incidental side and spur tracks,
all located within Beaver County, Utah. In support of

their said application the applicants show:

(a) The exact corporate names of the applicants are Los Angeles & Salt Lake Railroad Company and Union Pacific Railroad Company.

(b) Each of the applicants is a carrier by railroad subject to the Interstate Commerce Act. Said Los Angeles & Salt Lake Railroad Company is the owner of and said Union Pacific Railroad Company is the Lessee in possession of and operating lines of railroads in the states of California, Nevada, Utah and other states under authority granted by this Commission in Union Pacific Railroad Company Unification, Finance Docket No. 9422, 207 I.C.C. 543.

(c) The branch line to be abandoned is described as follows:

From a point in the Northeast Quarter (NE 1/4) of Section 7, Township 28 South, Range 10 West, Salt Lake Base and Meridian, at Milford, Beaver County, Utah, approximately 450 feet west and approximately 845 feet north of the southeast corner of said Northeast Quarter (NE 1/4) of Section 7; thence in a general northwesterly direction to a point on unsurveyed land adjoining the Northeast Quarter (NE 1/4) of Section 24, Township 27 South, Range 13 West, Salt Lake Base and Meridian, at Frisco, Beaver County, Utah, approximately 16 feet east and approximately 1376 feet north of the southeast corner of said Northeast Quarter (NE 1/4) of Section 24; a length of 16.42 miles.

(d) Los Angeles & Salt Lake Railroad Company desires to physically abandon and Union Pacific Railroad Company wishes to abandon operations over the branch line in question.

(e) On September 24, 1934, the Los Angeles & Salt Lake Railroad Company applied for permission to abandon that portion of its Frisco Branch extending from Mile Post 1 to the end thereof at Newhouse, a distance of 22.37 miles. On February 15, 1936, this application was dismissed by the Commission without prejudice for want of prosecution. On September 21, 1936, the case was reopened for further proceedings at the request of the Los Angeles & Salt Lake Railroad Company and the Union Pacific Railroad Company, Lessee of the Los Angeles & Salt Lake Railroad Company, which had been operating the properties of the latter since January 1, 1936, was made a party to the proceeding. Formal hearing was held at Salt Lake City on October 26 and 27, 1936, and in its report and order dated April 21, 1937, 221 I.C.C. 309, Division 4 of the Commission authorized abandonment of that portion of the Frisco Branch between Frisco and Newhouse, approximately 6 miles. However, heeding the requests of certain protestants (engaged in ore mining operations principally in and around Frisco) that the immediate consequence of abandonment of that portion of the line between Mile Post 1 and Frisco would be the stoppage of all development work and mining in the district, with the resultant loss of their investments, and coupled with the fact that protestants looked forward to a resumption of mining in the district upon

which assumption they asked that the branch remain in status quo for the next two years, the Commission denied permission to abandon the portion of the line between Mile Post 1 and Frisco with the statement that "a further test of operation of the line between Frisco and Milford for a period of two years should be made; and the present denial of the application as to that portion of the line will not affect the applicants' right to renew the proposal with respect thereto after the expiration of the period indicated."

Sheep raising and mining are practically the only activities carried on in the territory served by this branch. During the years 1938, 1939 and 1940 mining operations were resumed on a limited scale. During 1941, however, freight revenue from this source was negligible. Moreover only six cars of sheep were moved over the branch last year. Applicants have recently made an investigation to determine the likelihood of further mining activities in this area and have concluded that the possibilities in that direction are extremely remote. There is an all-weather improved highway parallel to this branch from Frisco into Milford (the junction point with applicant's main line). Consequently whatever ore traffic or sheep are originated on the branch can be trucked into Milford. This highway is on a descending grade the entire distance.