

BEFORE THE  
INTERSTATE COMMERCE COMMISSION

In the Matter of the Application,  
under paragraphs (18) to (21),  
inclusive, of Section 1 of the Inter-  
state Commerce Act,

First, of Southern Pacific Company  
for a certificate of public conven-  
ience and necessity authorizing the  
abandonment of its operations between  
Lucin, Utah, and Ogden, Utah, via  
Corinne Junction, Utah, in part via  
Promontory Branch owned by Central  
Pacific Railway Company and in part  
via line of railroad owned by Oregon  
Short Line Railroad Company, and

Finance Docket

No. \_\_\_\_\_

Second, of Central Pacific Railway  
Company for a certificate of public  
convenience and necessity authorizing  
the abandonment of that portion of its  
said Promontory Branch between Lucin,  
Utah, and Corinne, Utah, comprising  
a part of the route operated by  
Southern Pacific Company between  
Lucin and Ogden, via Corinne Junction.

A P P L I C A T I O N

To the Honorable, THE INTERSTATE COMMERCE COMMISSION:

Your applicants, SOUTHERN PACIFIC COMPANY and  
CENTRAL PACIFIC RAILWAY COMPANY, respectfully show:

(a) The exact corporate names of your applicants  
are SOUTHERN PACIFIC COMPANY and CENTRAL PACIFIC RAILWAY  
COMPANY.

(b) That your applicant, Central Pacific Railway Company, is the owner of a line of railroad which is operated in interstate commerce by your applicant, Southern Pacific Company, a carrier by railroad, both of which are subject to the Interstate Commerce Act.

(c) Your applicant, Southern Pacific Company, proposes to abandon its railroad operations between point of connection of the Promontory Branch with its main line line, at or near Lucin, Utah, and Ogden, Utah, via Corinne Junction, Utah, a distance of approximately 146.86 miles, together with its operations of sidings, spur tracks and appurtenances thereto. These operations are conducted over the Promontory Branch owned by Central Pacific Railway Company between point of connection of said Promontory Branch with the main line near Lucin and Corinne Junction, and over line of railroad owned by Oregon Short Line Railroad Company between Corinne Junction and Ogden. This route is partly in Box Elder County, Utah, and partly in Weber County, Utah.

Your applicant, Central Pacific Railway Company, proposes to abandon that portion of the Promontory Branch, owned by it, between Engineer Station 251+50, Milepost 680.288, at or near Lucin, and Engineer Station 1896+75, Milepost 801.068, at or near Corinne, a distance of approximately 120.78 miles, together with all sidings, spur tracks and appurtenances, and which line comprises a portion of the route



operated by Southern Pacific Company, hereinbefore described. The line of railroad so proposed to be abandoned is entirely in Box Elder County, Utah:

(d) Authority is sought for the abandonment of the operation of line and of the line itself as to that portion of the Promontory Branch between Milepost 680.288, at or near Lucin, and Milepost 801.068, at or near Corinne; authority to abandon operations by Southern Pacific Company only is sought as to the remainder of the route over which Southern Pacific Company seeks authority to abandon operations, viz., (a) portion of Promontory Branch between point of connection of such branch with the main line, at or near Lucin, and Milepost 680.288, near Lucin, and (b) between Milepost 801.068, at or near Corinne, and Ogden.

(e) Public convenience and necessity warrant the abandonment of said line of railroad, for the reason that said operations of Southern Pacific Company cannot be conducted except at a large loss and the abandonment of line proposed herein will enable the salvage of material urgently needed at the present time.

(f) Correspondence in regard to this application should be addressed to:

E. J. Foulds,  
General Attorney,  
Southern Pacific Company,  
65 Market Street,  
San Francisco, California.

(g) That Central Pacific Railway Company is a

WAR DEPARTMENT

Washington

*Ex  
No 7*  
*Exception*

SPRYC 000.51-C

APR 22 1942

MEMORANDUM FOR THE UNDER SECRETARY OF WAR:

Subject: Abandonment of the Promontory Branch,  
Southern Pacific Railroad, Box Elder  
County, Utah.

1. The Director, Resources Division, has advised that the Southern Pacific Railroad has again filed application asking for authority to abandon the Promontory Branch, Southern Pacific Railroad, Box Elder County, Utah, and that the Hearing on this application has been set at Salt Lake City for May 1, 1942.

2. In view of the critical need for relaying rails for military uses and the alternate route available around the north and south end of Great Salt Lake, the War Department will oppose no objection to the abandonment of this trackage at the hearing scheduled for May 1 at Salt Lake City.

/s/ Henry L. Stimson

Secretary of War



COPY

WAR DEPARTMENT  
U. S. Engineer Office  
P.O. Box 1739 Wright Bldg.,  
1209 -8th St.  
Sacramento, California

April 22, 1942

*Exception*

To: :

Southern Pacific Company  
65 Market Street  
San Francisco, California

Attention: Mr. C. S. Donnatin, General Manager

Gentlemen;

This office has under construction and authorized a number of National Defense Projects which will require a considerable mileage of railroad track. Great difficulty has been experienced in obtaining relay railroad rail for use at these projects. Since all of these projects will be served, to some extent by the lines of your company, it is hoped that you may be of some assistance to this office in procuring railroad rail, and also in fabricating turnouts from rail which might possibly be made available by your company or which this office is able to purchase. In connection with obtaining the rail it has come to the attention of this office that your old line around the north end of the Great Salt Lake is very rarely used and then for only small amounts of freight track.

It is also understood that this track was laid with 62 pound rail and would require considerable reconstruction to make it serviceable for the modern, heavy rolling stock now in use. If this is the case it would seem possible to abandon that line and if such were the case this office would desire to purchase the rail in that track. It would be greatly appreciated if you would inform this office at your earliest convenience of the possibility of obtaining the above mentioned 114 miles of track -- what steps should be taken to obtain it -- and whether your company could assist in the fabrication of complete turnouts for use at our projects.

FOR THE DISTRICT ENGINEER:

(Signed) Clay Anderson  
Clay Anderson  
Lieut. Col., Corps of Engineers  
Executive Assistant



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COPY

NAVY DEPARTMENT  
Bureau of Supplies and Accounts  
Washington, D. C.

27 April 1942

*Ex No 6*  
*Exception* \*\*\*\*\*  
Refer to No.  
L8-3(9)(SP0)

Southern Pacific Company  
65 Market Street  
San Francisco, California

ATTENTION: Mr. E. J. Foulds, General Attorney

SUBJECT: Acquisition of Track and Accessories from Branch  
Lines of Central Pacific Railway Co. and Oregon  
Short Line Railroad Co.

References: (a) Letter from G.M. Betterton, Southern Pacific  
Co., 19274-16, dated 8 April 1942 to Lieut.  
Comdr. C. L. Macrae.  
(b) Letter from L. B. McDonald, Southern Pacific  
Co., dated 7 April 1942 to Brig. Gen. James  
J. Bradley.  
(c) Application before the Interstate Commerce  
Commission, Finance Docket No. 13655.

S i r s :

The Navy Department desires to purchase the track and accessories described in reference (c) which are urgently needed for the defense of the United States. It is proposed that the owners be reimbursed for this property at prices not exceeding the ceiling quotations for relaying rails and scrap established by the Office of Price Administration.

If the Southern Pacific Company is unable to sell this property because of complications in ownership, the Navy Department is prepared to institute requisitioning proceedings under the Second War Powers Act (Public Law 507--77th Congress-S-2208).

In case it is necessary to requisition this property, would you be in a position to accept service as the beneficial owner?

Respectfully,

(Signed) T. H. Gerken  
T. H. GERKEN

Lieutenant (SC) U.S.N.R.

By direction of the Paymaster General of the  
Navy

cc: Mr. Roy G. Hillebrand  
Assistant Secretary

TO MR. AS BELOW -

DATE May 26, 1942

FROM H. W. ANSELL

SUBJECT

Mr. Douglas Scalley, Bldg.  
Mr. W. Y. Cannon, "  
Mr. O. A. Christensen, Garland,



I quote below letter received from Senator Abe Murdock dated May 21st, together with copy of letter from Secretary Knox of the U.S. Navy.

"Dear Mr. Ansell:

"This is the first opportunity I have had to acknowledge receipt of your recent letter regarding the proposed abandonment of the Promontory branch of the Southern Pacific Railroad. Prior to the arrival of your letter, however, I had taken the matter up with several agencies of the federal government in an effort to save Promontory branch. It is obvious that the War Department, the Navy Department, and the War Production Board are in favor of the proposed abandonment. For your information, I am enclosing herewith copy of part of a letter I have received from the Secretary of the Navy, in which he discusses this matter.

Yours very truly,

Abe Murdock (signed) "

From this it appears that our chance of saving beet loading stations at Dathol and Rochefort on the S.P. are rather slim.

Yours very truly,

*H. W. Ansell*  
Traffic Manager

HWA:M  
enc.

Mr. Chas. Root, Public Service Commission,  
of Utah, City,

Mr. Ashby Boyle, Bldg.



EXCERPT FROM LETTER TO SENATOR MURDOCK FROM THE SECRETARY  
OF THE NAVY. LETTER DATED 20 May 1942

"In the case of the proposed abandonment of the Promontory Branch of the Southern Pacific Railroad extending from Corinne to Lucine, the Navy is interested in obtaining this trackage for use in the Naval Ammunition Depot at Hawthorne, Nev., and other Naval Bases. On account of the urgent need for Defense purposes, the 121 track miles of rail involved, amounting to approximately 15,000 tons, has been requisitioned by the Navy under Act of 16 October, 1941.

This branch line, as you know, was superseded by a through route (in, or a out, 1905) by what is known as the "Lucine Cut-Off", extending directly across Great Salt Lake from Lucine to Ogden. The "Lucine Cut-Off" has been used for all main line operations ever since was built. The old line transverses a largely desert country, and operations thereover have in recent times been only "on call" for carrying freight as it is required along the line. This "call service" in recent years has been available not more than once a week. The Navy has been informed that this old line is utterly useless in its present condition of maintenance and that the operation of the same, from the standpoint of a railroad, is uneconomical, as it included steep grades and sharp curves. Further than this, these grades and curves would require additional locomotives which are not available during the present emergency.

In the event of an emergency in the "Lucine Cut-Off", which would cause this branch line to be temporarily out of commission, there are many through routes that have become available since this line was built, over which traffic could move between Ogden and the entire Pacific Coast. Some of the alternate routes are:

(a) Via the Western Pacific around the south end of Great Salt Lake.

(b) Via the Rogerson-Wells Cut-Off of the Union Pacific; a direct route from either Granger or Ogden on the Union Pacific to the present line at Wells, Nev.

(c) Over the Union Pacific via Ogden and Salt Lake City, either into Los Angeles or in conjunction with the Santa Fe line, from Barstow to Mojave and then into central and northern California.

The needs of the Army, Navy and Maritime Commission for relaying rail are so heavy that every effort is being made to secure enough rail from the railroads and from abandoned branch lines to meet these requirements of the war effort. Such action then releases billet steel for the construction of ships and other munitions of war.

It is believed that the action taken by the Navy in recommending abandonment of the Promontory Branch will not cause hardship or serious inconvenience to the people of the State of Utah. However, under the circumstances, and due to urgent need of the materials involved for the prompt and successful prosecution of the War, the action taken seems unavoidable.

Sincerely yours,

FRANK KNOX

COPY



July 8, 1944

Mr. J. Edwin Baird  
County Clerk  
Box Elder County  
Brigham City, Utah

Dear Mr. Baird:

Pursuant to your letter of the 6th inst. we give you the following information concerning the abandonment of the so-called Promontory Branch of the Southern Pacific Company:

The Southern Pacific Company and the Central Pacific Railway Company filed an application with the Interstate Commerce Commission on March 9, 1942 for permission to abandon the operation and take up the rails of the so-called Promontory branch. A hearing was held at Salt Lake City on this application May 1, 1942.

The Box Elder County Commissioners through their County Attorney objected to the abandonment as did also the Public Service Commission of Utah and several other interests. However, the Southern Pacific insisted that the Navy Department needed these rails for war plant purposes and this was supported by witnesses from that department. It was also shown that the traffic over this line was very light and the revenues therefrom insufficient to maintain and operate the line.

The Interstate Commerce Commission on June 11, 1942 granted the application to abandon the line between Lucin and Corinne Junction, also to discontinue operations over the Oregon Short Line Railroad between Corinne Junction and Ogden.

The Commission however entered one condition, that the Central Pacific Railway Company shall sell the segment of its Promontory branch between Dathol and Corinne to the Oregon Short Line Railroad Company or the Union Pacific Railroad Company at a price

Mr. Baird

-2-

July 8, 1944

equal to the fair net salvage value thereof, if an offer from either of those carriers to purchase the segment on those terms is made within thirty days from the date of the Commission's order.

Whether or not such offer to buy was made within the thirty-day period, we are not advised. We presume that the County Attorney of Box Elder County has a copy of the Commission's order in the files and you can get the details from that order.

This Commission does not have jurisdiction over lines such as the one in question because some part of the business transacted over the line was in interstate commerce and the Supreme Court of the U. S. held that in cases similar to this, a certificate authorizing abandonment issued by the Interstate Commerce Commission cannot be set aside by a state commission.

We trust we have given you the desired information but if anything further is needed please advise and we shall be glad to furnish the same.

Very truly yours,

DEPARTMENT OF BUSINESS REGULATION  
Public Service Commission

Chas. A. Root  
Commerce Attorney

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