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November 7, 2005

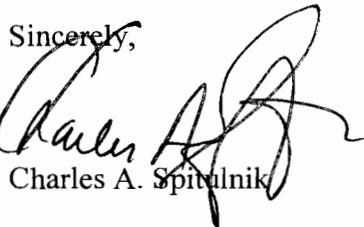
Surface Transportation Board
Case Control Unit
1925 K Street, N.W.
Washington, D.C. 20423-0001
ATTENTION: Ms. Catherine Glidden



Re: STB Docket No. AB-33 (Sub-No. 232X), *Union Pacific R. Co. – Abandonment Exemption – In Orange County, California*

Dear Sir:

I am enclosing an original and two (2) copies of the Comments of the Southern California Regional Rail Authority with respect to the Environmental Assessment in the above-referenced proceeding. An extra copy of these Comments is enclosed for date stamp and return to our messenger.

Sincerely,

Charles A. Spitulnik

cc: Mack H. Shumate, Jr., Esquire

Enclosure

Before the
SURFACE TRANSPORTATION BOARD
Washington, D.C.

Docket No. AB-33 (Sub-No. 232X)



UNION PACIFIC RAILROAD COMPANY --
ABANDONMENT EXEMPTION -- IN ORANGE COUNTY, CALIFORNIA

COMMENTS OF
THE SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY

The Southern California Regional Rail Authority (“SCRRA”) hereby submits its Comments on the Environmental Assessment served by the Board in this proceeding on October 21, 2005. SCRRA submits that the Combined Environmental and Historic Report submitted by the Union Pacific Railroad Company (“UPRR”) on August 17, 2005 (the “UPRR Report”) and the Board’s Environmental Assessment do not address an important public safety issue that UPRR’s proposed abandonment presents. SCRRA requests that this Board condition any approval of the proposed abandonment on UPRR’s providing a remedy for the issue its abandonment will create. Specifically, SCRRA hereby asks this Board to require UPRR to bear the cost of (1) relocating the current grade crossing automatic warning devices at Katella Avenue and Collins Street to the east side of the operating right-of-way used by Metrolink that is adjacent to the track proposed for abandonment, and (2) integrating the relocated signals into the Metrolink signaling system.

SCRRA is a joint powers authority created under sections 6500, et seq., of the California Government Code and §130255 of the California Public Utilities Code. It is comprised of five county member agencies: Los Angeles County Metropolitan Transportation Authority, Orange County Transportation Authority (“OCTA”), Riverside County Transportation Commission, San Bernardino Associated Governments, and Ventura County Transportation Commission. SCRRA

operates service on seven lines in these five counties. In the early 1990's, the SCRRA member agencies either acquired these lines outright or acquired operating rights over them. In almost all instances, SCRRA operations share the rails with freight service provided by either the BNSF Railway Company ("BNSF") or Union Pacific Railroad Company ("UPRR"). SCRRA's duties under the Joint Exercise of Powers Agreement including administering the operation of the system, which includes responsibility for maintenance of the right-of-way and signals, including the grade crossing warning system.

The north-south segment of the track that is the subject of this abandonment is immediately adjacent to track acquired by OCTA from the former Atchison, Topeka and Santa Fe Railway Company (a predecessor of BNSF)¹ and used in SCRRA (d/b/a "Metrolink") commuter rail operations. The two lines share the at-grade street crossings at Katella Avenue and Collins Street. UPRR has stated that the proposed abandonment "will have no detrimental effects on public health and safety," *see* UPRR Report at 7, Response (7)(i). According to the Environmental Assessment, UPRR plans to eliminate grade crossings at these locations. *Environmental Assessment* (served October 21, 2005), at 1. Because the crossings can not be eliminated due to the presence of the parallel line used in Metrolink operations, SCRRA disagrees with UPRR's assessment. Accordingly, SCRRA is filing this comment to ask the Board to impose the condition described at the conclusion of the first paragraph of this Comment.

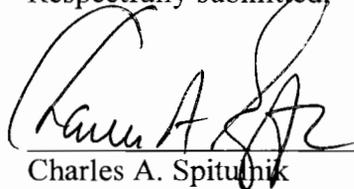
The regulations governing the preparation of an environmental report require the applicant to "describe any effects of the proposed action on public health and safety". 49 C.F.R. §1105.7(e)(7)(a). UPRR does not address the potentially adverse impact of relinquishing its responsibility for the crossing automatic warning devices it currently maintains when the

¹ *See*, ICC F. D. No. 32173, *Orange County Transp. Auth., et al., -- Exempt. -- Atchison, T. & S.F. Ry Co.*, 10 I.C.C.2d 78 (1994)

involved corridor will continue to have rail service provided. The condition SCRRA is requesting will ensure that the UPRR abandonment does not adversely affect public safety. While the abandonment will not necessarily affect vehicle delay times at the crossings, since this segment of the UPRR line has not been used since 2000, the UPRR abandonment of the crossing protection on the east side of the line will adversely affect public safety due to the 12 daily passenger trains and 5 to 7 freight trains that use the paralleling track owned by OCTA. Because the area in which this line segment is located is prime industrial real estate, the abandoned rail line segment will be ripe for re-use, and the potential for increased not decreased vehicular traffic through the at-grade crossings can not be ignored. The crossing automatic warning devices must be relocated, and UPRR's decision to abandon its rail line should not force SCRRA and the area's taxpayers that support it to absorb the cost of relocating the UPRR crossing automatic warning devices and other associated costs for civil improvements and modifications (such as raised median islands and curbs). UPRR's action, not any action on the part of SCRRA or OCTA, is triggering the need to incur this cost, and UPRR should be required to absorb it. SCRRA respectfully requests this Board to include a requirement that UPRR undertake that responsibility as a condition to its authority to consummate the abandonment that is the subject of this proceeding.

Dated: November 7, 2005

Respectfully submitted,



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Rail Authority

CERTIFICATE OF SERVICE

I hereby certify that I have this 7th day of November, 2005, caused a copy of the foregoing COMMENTS OF THE SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY to be served by first class mail with postage prepaid and properly addressed to:

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