

TRANSPORT COUNSEL PC

ATTORNEYS AT LAW

ENTERED
Office of Proceedings
April 30, 2014
Part of
Public Record

April 30, 2014

VIA HANDCynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, SW
Washington, DC 20423-0001RE: STB Finance Docket No. 35789, Pacific Harbor Line, Inc. -- Lease and Operation Exemption -- Union Pacific Railroad Company

Dear Ms. Brown:

Pursuant to 49 C.F.R. § 1150.42(e), enclosed for filing in the above-referenced proceeding are (1) eleven copies of the Certificate of Posting, (2) eleven copies of the Certificate of Service, and (3) eleven copies of the related Notice of Intent.

Please acknowledge receipt of this letter by date-stamping the enclosed acknowledgment copy and returning it to our messenger.

Very truly yours,

Rose-Michele Nardi /EJY

Rose-Michele Nardi

Enclosures

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB FINANCE DOCKET No. 35789

PACIFIC HARBOR LINE, INC.
--LEASE AND OPERATION EXEMPTION--
UNION PACIFIC RAILROAD COMPANY



CERTIFICATE OF POSTING

The undersigned certifies that the Notice of Intent in STB Finance Docket No. 35789 has been posted at the following address on April 29, 2014:

UPRR Delores Roundhouse
2442 East Carson Street
Carson, CA 90810

UPRR Mead Yard
2400 Anaheim Street
Wilmington, CA 90744

Signature: 

Printed Name: William R. Barlow III

Title: Manager of Terminal OPS,
Union Pacific Railroad Company

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB FINANCE DOCKET No. 35789

**PACIFIC HARBOR LINE, INC.
--LEASE AND OPERATION EXEMPTION--
UNION PACIFIC RAILROAD COMPANY**

APR 30 2014

CERTIFICATE OF SERVICE

I hereby certify that, on April 28, 2014, the Notice of Intent in STB Finance Docket No. 35789 was served by U.S. first-class mail, postage prepaid, on the following:

Mr. Dennis R. Pierce
National President, BLET
1370 Ontario Street - Mezzanine
Cleveland, OH 44113

Mr. John Previsich
President
SMART Transportation Division
24950 Country Club Blvd., Ste. 340
North Olmstead, OH 44070

Mr. Dan Pickett
President
Brotherhood of Railroad Signalmen
917 Shenandoah Shores Road
Front Royal, VA 22630

Mr. Freddie N. Simpson
President
Brotherhood of Maintenance of Way Employes
Division of the IBT
41475 Gardenbrook Road
Novi, MI 48375-1328

Rose-Michele Nardi /ETJ
Rose-Michele Nardi, Transport Counsel, PC

**NOTICE OF INTENT TO FILE
A VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 C.F.R § 1150.41**

STB FINANCE DOCKET No. 35789

**PACIFIC HARBOR LINE, INC.
--LEASE AND OPERATION EXEMPTION--
UNION PACIFIC RAILROAD COMPANY**

Pacific Harbor Line, Inc. ("PHL") soon will be filing for authority from the Surface Transportation Board to conduct certain rail operations via a non-exclusive lease agreement with Union Pacific Railroad Company ("UP") over a rail line commonly known as the "Santa Ana Bypass Track".

More specifically, PHL will perform certain rail operations over approximately 30,820 feet of UP track that extends from the surface level adjacent to the east side of the Alameda Corridor trench from the north side of the Compton Creek Bridge (approximate Mile Post 21.7 at CP Compton and Engineering Station 357 + 00 on the north) to Firestone Park (approximate Mile Post 15.9 and Engineering Station 665 + 20 on south) and connections to existing industry customers (the "Subject Track").

Under the terms of the lease agreement, PHL shall use the Subject Track only for (1) pick-up and set-out and handling of rail cars being moved in switch service by PHL on behalf of UP, and (2) switching and storage of rail cars (including without limitation spotting and picking up loaded and empty rail cars at customers that can be served from the Subject Track). All such services performed by PHL over the Subject Track shall be exclusively for UP, and the customers served via that line.

Under the terms of the lease agreement, UP retains the exclusive right to handle (a) unit train traffic to and from customers served from the Subject Track, and (b) all traffic to and from

the Subject Track that is interchanged with third party railroads in or near the Port of Los Angeles or Port of Long Beach.

PHL is providing this notice pursuant to the Surface Transportation Board requirements at 49 C.F.R. § 1150.42(e).

PHL does not anticipate that any PHL employees will be adversely affected by this lease agreement, and UP has advised PHL that UP does not anticipate any UP employees will be adversely affected by this lease agreement. PHL also does not anticipate that any additional jobs will be created on the Subject Track as a result of this lease agreement.