

UNION PACIFIC RAILROAD
1400 Douglas Street, Stop 1580
Omaha, Nebraska 68179

P 402 544 4735
jmberman@up.com

Jeremy M. Berman

General Attorney

August 9, 2016

241260

VIA E-FILE

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, S.W., Room #100
Washington, DC 20423-0001

ENTERED
Office of Proceedings
August 9, 2016
Part of
Public Record

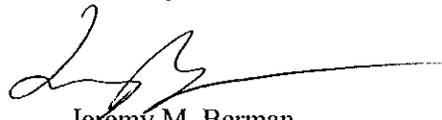
**RE: Proposed Abandonment and Discontinuance of UP trackage in Pima County, Arizona
STB Docket No. AB-33 (Sub-No. 329X)**

Dear Ms. Brown:

Pursuant to the Board's exemption procedures for discontinuance of trackage rights under 49 C.F.R. § 1152.50, I am hereby e-filing the Verified Notice of Exemption, including a Certificate of Service and Publication.

Please file the Notice of Exemption in Docket No. AB-33 (Sub-No. 329X). Enclosed is a credit authorization voucher in the amount of \$3,900.00 for the filing fee.

Sincerely,



Jeremy M. Berman

FEE RECEIVED
August 9, 2016
SURFACE
TRANSPORTATION BOARD

FILED
August 9, 2016
SURFACE
TRANSPORTATION BOARD



BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 329X)
UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN PIMA COUNTY, ARIZONA

Verified Notice of Exemption

UNION PACIFIC RAILROAD COMPANY
Jeremy M. Berman
General Attorney
1400 Douglas St, #1580
Omaha, NE 68179
402-544-4735 (Tel.)
402-501-0129 (FAX)
jmberman@up.com

Dated: August 9, 2016

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 329X)
UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN PIMA COUNTY, ARIZONA

Notice of Exemption

Union Pacific Railroad Company ("UP") submits this verified Notice of Exemption pursuant to 49 § C.F.R. 1152, Subpart F -- Exempt Abandonments and Discontinuances of Service and Trackage Rights for an exempt abandonment of service of the remaining portion of the Tucson South Main from Milepost 984.7 to Milepost 986.3 in South Tucson, for a total distance of 1.6 miles in Pima County, Arizona (the "Line").

The property underlying the Line is the subject of a state court condemnation action by Pima County, Arizona. *Pima County v. Union Pacific Railroad Co. et al.*, CV2015-010983. UP has reached an agreement with Pima County whereby Pima County will acquire the property pursuant to its condemnation authority following consummation of this abandonment.

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

The abandonment and discontinuance are proposed to be consummated on or after September 28, 2016 (at least 50 days after filing the Notice of Exemption).

Certification: 49 C.F.R. 1152.50(b)

UP certifies that no local or overhead traffic has moved over the Line for at least two years. Therefore, there is no need to reroute any traffic. UP further certifies that no formal complaint filed by a user of rail service on the Line (or filed by a state or local

governmental entity acting on behalf of such user) regarding cessation of service over the Line is pending either with the Board or any U.S. District Court, or has been decided in favor of the complainant within the two-year period.

Additional Information Required: 49 C.F.R. 1152.22(a)(1)-(4), (7)-(8) and (e)(4)

(a) General.

(a)(1) The railroad's exact name is Union Pacific Railroad Company.

(a)(2) UP is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(a)(3) UP intends to abandon the Tucson South Main from Milepost 984.7 to Milepost 986.3 in South Tucson, a total distance of 1.6 miles in Pima County, Arizona.

(a)(4) A map showing the location of the Line in relation to other rail lines, highways, and major roads in the area is attached as **Exhibit 1**.

(a)(7) The representative to whom correspondence regarding this abandonment and discontinuance should be sent is:

Jeremy M. Berman
General Attorney
1400 Douglas St, #1580
Omaha, NE 68179
402-544-4735 (Tel.)
402-501-0129 (FAX)
jmberman@up.com

(a)(8) ZIP Codes. The Line traverses U.S. Postal Service Zip Codes 85701 and 85713.

(e)(4) Rural and Community Impact.

UP has reached an agreement whereby Pima County will acquire the right-of-way following consummation of UP's abandonment authority.

The Line proposed for abandonment contains non-reversionary property. Based on UP's records, the Line does not contain federally granted right-of-way. Any documentation in the UP's possession related to the Line will be made available promptly to those requesting it.

No local traffic has moved over the Line during the past two years, and there is no overhead traffic or passenger service on the Line. UP has received no request for rail service on the Line in well over two years. No complaint regarding cessation of service has been filed, is pending, or has been ruled upon in favor of a complainant during the prior two years.

A map of the Line is attached hereto as **Exhibit 1**.

Labor Protection

The interests of railroad employees will be protected by the conditions discussed in Oregon Short Line Railroad Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979).

Certifications

Attached as **Exhibit 2** is a Certificate of Service and Publication, pursuant to the notice requirements of 49 C.F.R §§ 1152.50(d)(1), 1105.11 and 1105.12.

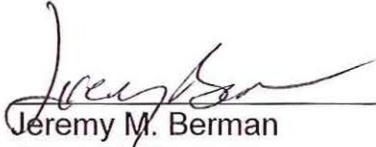
Environmental and Historic Report

A copy of the cover letter which accompanied UP's Combined Environmental and Historic Report ("CEHR"), containing the information required by 49 C.F.R. §§ 1105.7(e) and 1105.8, and delivered in accordance with 49 C.F.R. 1105.11, is attached as **Exhibit 3**. The CEHR was electronically filed with the Office of Environmental Analysis (OEA), on March 23, 2016. The CEHR indicates that the proposed abandonment does not involve any historic properties. UP has received no further comments on the CEHR since it was filed.

Dated this 9th day of August, 2016.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

A handwritten signature in black ink, appearing to read "Jeremy M. Berman", is written over a solid horizontal line.

Jeremy M. Berman
General Attorney
1400 Douglas St, #1580
Omaha, NE 68179
402-544-4735 (Tel.)
402-501-0129 (FAX)
jmberman@up.com



**BEGIN ADANDONMENT
MP 984.7**

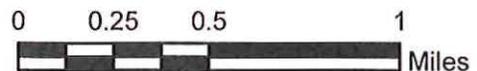
**END ADANDONMENT
MP 986.3**

TUCSON SOUTH MAIN

UNION PACIFIC RAILROAD CO.
MP 984.7 TO MP 986.3
TOTAL OF 1.6 MILES IN PIMA COUNTY
IN ARIZONA

**UNION PACIFIC RAILROAD CO.
TUCSON SOUTH MAIN
ARIZONA**

No Structures 50 Years or Older



Legend

-  ABANDONMENT
-  OTHER TRACKS
-  OTHER ROADS
-  PRINCIPAL HIGHWAYS

DOCKET NO. AB-33 (Sub-No. 329X)

UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN PIMA COUNTY, AZ

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) – Notice

The undersigned certifies that on April 4, 2016 (at least 10 days before a Notice of Exemption is filed), written notice was given by Union Pacific stating Union Pacific's intent to use the Notice of Exemption procedure to abandon the Tucson South Main in Pima County, Arizona in Docket No. AB-33 (Sub-No. 329X). Said written notice (a copy of which is attached hereto as **Attachment 1**) was served on the following:

Arizona Public Utilities Commission
1200 W. Washington Street
Phoenix, AZ 85007-2996

National Park Service
Pacific West Regional Office
333 Bush Street, Suite 500
San Francisco, CA 94104-2828

U.S. Dept. of Agriculture
Chief of the Forest Service
4th Floor, N.W. Auditors Bldg.
U.S. Department of Agriculture
14th St. & Independence Ave., SW
Washington, DC 20250

Headquarters
Military Surface Deployment &
Distribution Command
Transportation Engineering Agency
ATTN: ADTE - SA
Railroads for National Defense
Program
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

49 C.F.R. § 1105.11 – Transmittal Letter for Applicant’s Report

The undersigned certifies that on May 10, 2016 (at least 20 days before a Notice of Exemption is filed), a Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7 and 1105.8 was served in Docket No. AB-33 (Sub-No. 329X) for abandonment of abandon the Tucson South Main in Pima County, Arizona on the following:

- (1) State Clearinghouse (or alternate)
- (2) State Environmental Protection Agency
- (3) Head of each County
- (4) U.S. Environmental Protection Agency, Regional Office
- (5) U.S. Fish and Wildlife Service
- (6) U.S. Army Corps of Engineers
- (7) National Park Service
- (8) U.S. Natural Resources Conservation Service
- (9) The National Geodetic Survey
- (10) Other Agencies Consulted (As Listed)
- (11) State Historic Preservation Office

(This Certificate of Service attached to Combined Environmental Historic Reports lists the names and addresses of the federal, state and local agencies.)

49 C.F.R. § 1105.12 – Newspaper Notice

The undersigned further certifies that a “Notice of Intent to Abandon and Discontinue Service” was published in the form prescribed by the Board for a Notice of Exemption (Copy Attached as **Attachment 2**). The Notice was published one time in a major newspaper in the county in which the Line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Pima	Arizona Daily Star	April 5, 2016

Dated this 9th day of August, 2016



Jeremy M. Berman

UNION PACIFIC RAILROAD
1400 Douglas Street, Stop 1580
Omaha, Nebraska 68179

P 402 544 4735
jmberman@up.com

Attachment 1 to Exhibit 2

Jeremy M. Berman

General Attorney

April 4, 2016

Arizona Public Utilities Commission
1200 W. Washington Street
Phoenix, AZ 85007-2996

National Park Service
Pacific West Regional Office
333 Bush Street, Suite 500
San Francisco, CA 94104-2828

U.S. Dept. of Agriculture
Chief of the Forest Service
4th Floor, N.W. Auditors Bldg.
U.S. Department of Agriculture
14th St. & Independence Ave., SW
Washington, DC 20250

Headquarters
Military Surface Deployment & Distribution
Command
Transportation Engineering Agency
ATTN: ADTE - SA
Railroads for National Defense Program
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

RE: Proposed Abandonment and Discontinuance of the Tucson South Main from M.P. 984.7 near 22nd Street in Tucson, ZA to M.P. 986.3 near 4th Avenue in Tucson, AZ, a total distance of 1.6 miles in South Tucson, Pima County, Arizona; STB Docket No. AB-33 (Sub-No. 329X)

Dear Sir or Madam:

Please be advised that Union Pacific Railroad Company ("UP") expects to file with the United States Surface Transportation Board ("STB"), on or after April 15, 2016, a notice of an exempt abandonment on a line of railroad known as the Tucson South Main, located in Pima County, Arizona, extending from Milepost 984.7 near 22nd Street in Tucson, Arizona to Milepost 986.3 near 4th Avenue in Tucson, Arizona a total distance of 1.6 miles. The Line traverses U.S. Postal Service zip code 85713.

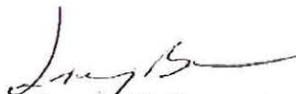
The "no business" exemption procedure will be used to abandon the Line, pursuant to the STB's abandonment regulations at 49 C.F.R. §1152.50. No local traffic has moved over the Line for at least two years and there is no overhead traffic on the Line. A Notice of Exemption to abandon service on the Line pursuant to 49 C.F.R. § 1152.50 (no local traffic for at least two years) will be filed with the STB on or after April 15, 2016.

Based on information in UP's possession, the Line does not contain federally granted right-of-way. Any documentation in UP's possession will be made available promptly to those requesting it.



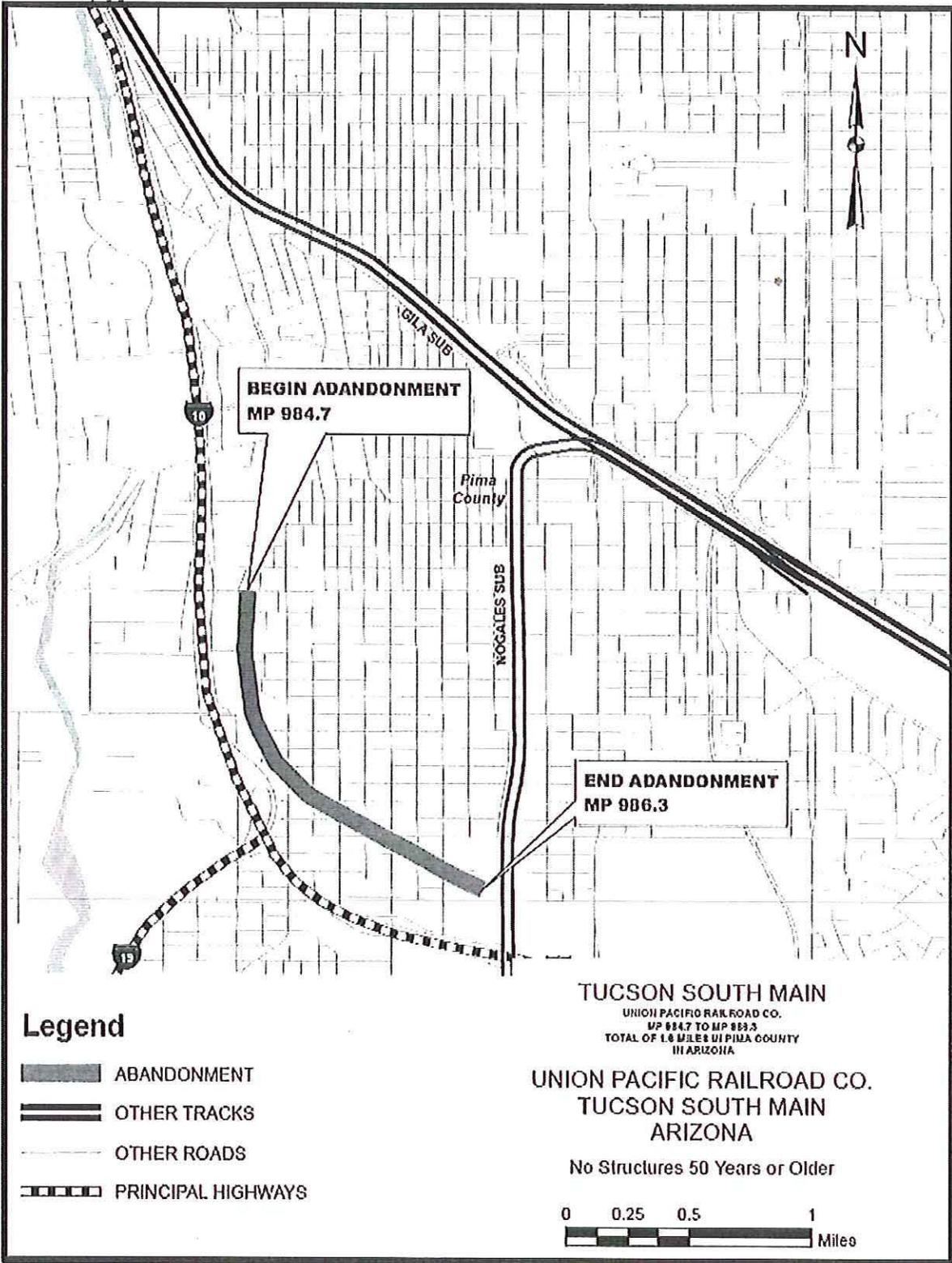
A map showing the segment of Line to be abandoned is attached for your information.

Sincerely,



Jeremy M. Berman
General Attorney

Attachment



ARIZONA DAILY STAR

Tucson, Arizona

STATE OF ARIZONA)
COUNTY OF PIMA)

Debbie Freedle, being first duly sworn deposes and says: that she is the Advertising Representative of TNI PARTNERS, a General Partnership organized and existing under the laws of the State of Arizona, and that it prints and publishes the Arizona Daily Star, a daily newspaper printed and published in the City of Tucson, Pima County, State of Arizona, and having a general circulation in said City, County, State and elsewhere, and that the attached ad was printed and

Legal Notice

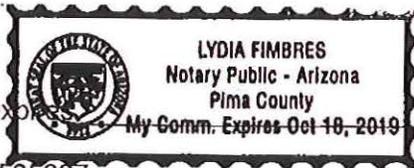
published correctly in the entire issue of the said Arizona Daily Star on each of the following dates, to-wit:

APRIL 5, 2016

Debbie Freedle

Subscribed and sworn to before me this 5th day of April 2016

Lydia Fimbres
Notary Public



My commission expires

AD NO. 8535897

Attachment 2 to
Exhibit 2

UNION PACIFIC RAILROAD COMPANY

NOTICE OF INTENT TO ABANDON RAIL SERVICE

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make requests regarding environmental matters by writing to the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E. Street, SW, Washington, DC 20423 or by calling that office at (202) 245-0291.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, critical clearing plans, and other conditions can be filed with the Board. All original and 10 copies of any such requests must be filed with the Board. Other requests (such as trail use, public use, and offers of financial assistance) must be filed directly with the Board's Office of Proceedings, 395 E. Street, SW, Washington, DC 20423 (See 49 CFR 1104.1(a) and 1104.3(a)), and one copy must be served on the applicant's representative. [See 49 CFR 1104.12(a)]. Comments regarding offers of financial assistance, public use or trail use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (866) 254-1792. Copies of any comments or requests for conditions should be served on the representative. Jeffrey S. Bernier, General Attorney, 1400 Douglas St., STOP 1580, Omaha NE 68179, 402-544-7736.

UNION PACIFIC RAILROAD COMPANY

Publish April 5, 2016 - Arizona Daily Star

UNION PACIFIC RAILROAD
1400 Douglas Street, Stop 1580
Omaha, Nebraska 68179

P 402 544 4735
jmberman@up.com

Jeremy M. Berman

General Attorney

May 10, 2016

VIA US Mail

TO: See Attached Service List

**RE: Proposed Abandonment and Discontinuance of the Tucson South Main from
Milepost 984.7 to Milepost 986.3 in Pima County, Arizona;
STB Docket No. AB-33 (Sub-No. 329X)**

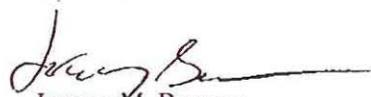
To whom it may concern:

On or after May 30, 2016, Union Pacific Railroad Company ("UP") expects to be filing with the Surface Transportation Board ("STB" or "Board") a Notice of Exemption seeking authority to abandon the remaining portion of the Tucson South Main from Milepost 984.7 to Milepost 986.3 in South Tucson, for a total distance of 1.6 miles in Pima County, Arizona (the "Line"). Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

Union Pacific is providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC, Telephone (202) 245-0291 and refer to the above Docket No. AB-33 (Sub-No. 329X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to our representative) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Jeremy M. Berman who may be contacted by telephone at 402-544-4735 or by mail at 1400 Douglas St., Stop 1580, Omaha, NE 68179.

Sincerely,


Jeremy M. Berman

Attachment



Docket No. AB-33 (Sub-No. 329X)

Service List

State Clearinghouse (or alternate):

Arizona Corporation Commission
Attn: Utilities Division
1200 West Washington
Phoenix, AZ 85007-2996

State Environmental Protection Agency:

Arizona Department of Environmental Quality
1110 W. Washington Street
Phoenix, AZ 85007

**State Coastal Zone Management Agency
(if applicable):**

Not applicable.

Head of County (Planning):

Pima County Clerk/Recorder's Office
240 N. Stone Ave.
Tucson, AZ 85701

**Environmental Protection Agency
(regional office):**

U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105

U.S. Fish and Wildlife:

U.S. Fish and Wildlife Service
Southwest Region
P.O. Box 1306
Albuquerque, NM 87103-1306

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
Los Angeles District
915 Wilshire Blvd.
Los Angeles, CA 90017

National Park Service:

National Park Service
Pacific West Regional Office
333 Bush Street, Suite 500
San Francisco, CA 94104-2828

**USDA Natural Resources Conservation
Service:**

Natural Resources Conservation Service
Douglas Service Center
6940 N Air Terminal Blvd.
Douglas, AZ 85607

National Geodetic Survey:

National Geodetic Survey
Frank Maida, Chief Spatial Reference System
Division
NOAA N/NGS23
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

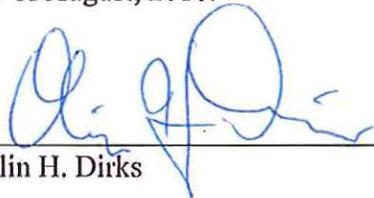
Arizona State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, AZ 85007

VERIFICATION

STATE OF NEBRASKA)
)SS:
COUNTY OF DOUGLAS)

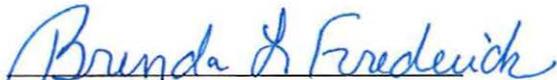
I, OLIN H. DIRKS, Senior Manager Rail Line Planning of Union Pacific Railroad Company, declare under penalty of perjury, under the law of the United States of America, that I have read the foregoing document and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of Union Pacific Railroad Company.

Dated at Omaha, Nebraska, this 9th day of August, 2016.



Olin H. Dirks

SUBSCRIBED AND SWORN TO
before me this 9th day of
August 2016.



Notary Public

My Commission expires: March 5, 2020

