

229509

UNION PACIFIC RAILROAD
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Chicago, Illinois 60606-1718

Mack H. Shumate, Jr. Senior General Attorney, Law Department

P 312 777 2066
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May 13, 2011

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
MAY 13 2011
Part of
Public Record

**SUPPLEMENTAL INFORMATION
PETITION FOR ABANDONMENT EXEMPTION
AND**

**REQUEST UNDER 49 U.S.C. § 10502 TO EXEMPT THE PROPOSED
ABANDONMENT FROM THE OFFER OF FINANCIAL
ASSISTANCE PROGRAMS OF 49 U.S.C. § 10904
FOR REASONS OF OVERRIDING PUBLIC NEED**

RE: STB Docket No. AB-33 (Sub-No. 296X), Petition for Abandonment Exemption of two segments of the Riverside Industrial Lead in California totaling 5.0 miles. The first segment begins at Milepost 540.15 near Colton and ends at Milepost 543.88 near Riverside, a distance of 3.73 miles, of which 2.27 miles are in San Bernardino County and 1.46 miles are in Riverside County. The second segment begins at Milepost 544.56 and ends at Milepost 545.83, the end of the line, a distance of 1.27 miles near Riverside, Riverside County, California

Dear Ms. Brown:

Pursuant to the Board's most recent decision in the above-referenced matter having a late release service date of May 3, 2011, Union Pacific Railroad Company ("UP") submits the following supplemental information as so directed by the Board. This filing is verified by Raymond Allamong, Senior Manager Rail Line Planning for the UP.

First, for ease of clarification and as directed by the Board, attached hereto as Exhibit A and hereby made a part hereof, is a color-coded map labeled to identify the location and extent of the contemplated New BNSF haulage rights on UP's Riverside Industrial Lead, the location and extent of the contemplated New UP overhead trackage rights on RCTC/BNSF's San Jacinto Line, the location of the contemplated connection between the UP's Remaining Segment of the Riverside Industrial Lead and the RCTC/BNSF San Jacinto Line, the BNSF mainline switch near Highgrove, California as referenced in the Petition and the point at which traffic originating and terminating for shippers on the UP's Remaining Segment of the Riverside Industrial Lead and



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May 13, 2011

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395 E. Street, S.W., Room #100
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First, for ease of clarification and as directed by the Board, attached hereto as **Exhibit A** and hereby made a part hereof, is a color-coded map labeled to identify the location and extent of the contemplated New BNSF haulage rights on UP's Riverside Industrial Lead, the location and extent of the contemplated New UP overhead trackage rights on RCTC/BNSF's San Jacinto Line, the location of the contemplated connection between the UP's Remaining Segment of the Riverside Industrial Lead and the RCTC/BNSF San Jacinto Line, the BNSF mainline switch near Highgrove, California as referenced in the Petition and the point at which traffic originating and terminating for shippers on the UP's Remaining Segment of the Riverside Industrial Lead and



handled via BNSF haulage, will be handed off between UP and BNSF. While this matter seems complicated at first, it is not. After utilizing the existing railroad lines and trackage rights, only two (2) new agreements between UP and BNSF are needed. First, the new UP overhead trackage rights on the RCTC/BNSF San Jacinto Line segment color-coded in light green from the BNSF Highgrove Switch to the Marlborough Connection and second, the new BNSF Haulage rights from UP to BNSF on the UP's Remaining Segment of the Riverside Industrial Lead color-coded in dark blue.

The line segment color-coded in pink from the UP/BNSF Haulage handoff point at Colton to the BNSF Highgrove Switch shows the approximate location of that portion of the long existing UP trackage rights on the BNSF that would be used by a UP train in conjunction with the line segment color-coded in light green from the BNSF Highgrove Switch to the Marlborough Avenue Connection, the approximate location of the proposed new UP overhead trackage rights on the RCTC/BNSF San Jacinto Line, that would also be used by a UP train to serve UP's Remaining Segment of the Riverside Industrial Lead, if needed. The line segment color-coded in dark blue shows the location of the proposed new BNSF Haulage rights on UP's Remaining Segment of the Riverside Industrial Lead from Milepost 543.88 to Milepost 544.56. The two orange line segments are the line segments of the Riverside Industrial Lead Line for which UP is seeking abandonment authority from the Board. Other UP railroad lines in the vicinity are marked with a double black line. Other railroads including BNSF and RCTC are marked with a single hashed line, gray for BNSF and light green for RCTC. The UP line marked with a double black line which encloses a single hashed line plus the line segment color coded in pink collectively show UP's long existing trackage rights on the BNSF in the territory covered by the map.

The first major question raised by the Board is how UP plans to retain service to the UP's Remaining Segment of the Riverside Industrial Lead currently color-coded in dark blue on the map which will permit UP trains to reach such segment from UP's rail network following abandonment of the two orange line segments. As referenced above, UP has long standing trackage rights over BNSF between Colton and Riverside and beyond. These UP trackage rights on BNSF comprise a portion of UP's Los Angeles Subdivision (known as BNSF's San Bernardino Subdivision in the subject area). UP will utilize and travel on the portion of these UP trackage rights on the BNSF between Colton and the BNSF Highgrove switch connection to the RCTC owned, BNSF operated (for freight rail traffic only) San Jacinto line at Highgrove. A portion of these existing UP trackage rights on BNSF are shown in pink on the subject map. UP would then utilize the approximately 1.5 miles of new UP overhead trackage rights on the RCTC/BNSF San Jacinto Line to access the new connection to be built between the RCTC/BNSF San Jacinto Line and the UP's Remaining Segment of the Riverside Industrial Lead at the Marlborough Avenue Connection (see line segment color-coded in light green).

The Board has further directed UP to provide additional specific information regarding the type of operating rights BNSF has over the Remaining Segment of the Riverside Industrial Lead and how these rights are to be acquired. Specifically, UP will grant BNSF haulage rights on the Remaining Segment of the Riverside Industrial Lead to serve the customers on the segment as UP's haulage agent (see line segment marked in dark blue). Both of the agreements for the New UP overhead trackage rights on the RCTC/BNSF San Jacinto Line (light green) and BNSF's new haulage rights on UP's Remaining Segment of the Riverside Industrial Lead between Milepost 543.88 and Milepost 544.56 (marked in dark blue) are still being finalized with the BNSF. UP will not consummate the abandonment of the two (2) line segments marked in orange until both the New UP overhead trackage rights on RCTC/BNSF's San Jacinto Line and BNSF's new haulage rights on UP's Remaining Segment of the Riverside Industrial Lead are authorized by the Board and the Marlborough Avenue connection is opened.

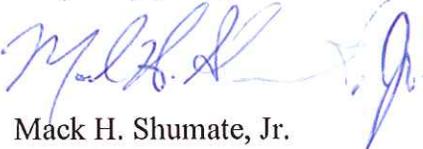
The Board is also seeking clarification of an inconsistency between the Petition for Exemption and references made in RCTC's letter of support. Specifically, in the Petition for Exemption, UP stated that there are two (2) active shippers on the Line – Sigma Stretch and Lehigh Cement Company. However, in the letter of support dated September 29, 2010 from RCTC, it is indicated that there are five (5) active shippers on the Riverside Industrial Lead. Specifically, the two (2) identified by UP, Sigma Stretch and Lehigh Cement Company, as well as three (3) others, Alpha Industries, CEMEX and Omega Plastics. Upon review of the file, UP reaffirms that there are in fact only two (2) industry locations on the Riverside Industrial Lead - Sigma Stretch and Lehigh Cement Company. Alpha Industries and Omega Plastics are additional waybill names for traffic going to Sigma Stretch and CEMEX is an additional waybill name for traffic going to Lehigh Cement. As the Board is aware, multiple waybill names associated with a single physical customer are quite common and are based on purchase and shipping arrangements and parent/subsidiary corporate relationships.

The second issue of discrepancy concerns the fact that the record indicates an apparent misunderstanding regarding the length of the north segment abandonment and a future location of the connection between UP's Remaining Segment of the Riverside Industrial Lead and RCTC's San Jacinto line. UP has reconfirmed that Milepost 543.88 is the correct southern endpoint of the north segment of the Riverside Industrial Lead being abandoned. The attached track profile marked **Exhibit B** and hereby made a part hereof shows that the line for curvature and running length of the track at Milepost 543.88 is the appropriate entry point of the new connector from the RCTC/BNSF San Jacinto Line as marked in light green on the map. According to the track profile, the north terminus of the north segment is Milepost 540.15 and allowing for curvature and running length is in fact 3.73 miles in length as so stated by UP in the Petition for Exemption.

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WHEREFORE, Union Pacific respectfully submits this Supplemental Information with Verification in accordance with the Board's decision served May 3, 2011.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Mack H. Shumate, Jr.", with a stylized flourish at the end.

Mack H. Shumate, Jr.

Surface Transportation Board
Section of Administration
May 13, 2011
Page 5

cc (w/ enclosures):

MTMCTEA
Military Surface Deployment & Distribution Command
Transportation Engineering Agency
ATTN: SDTE - SA
(Railroads For National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

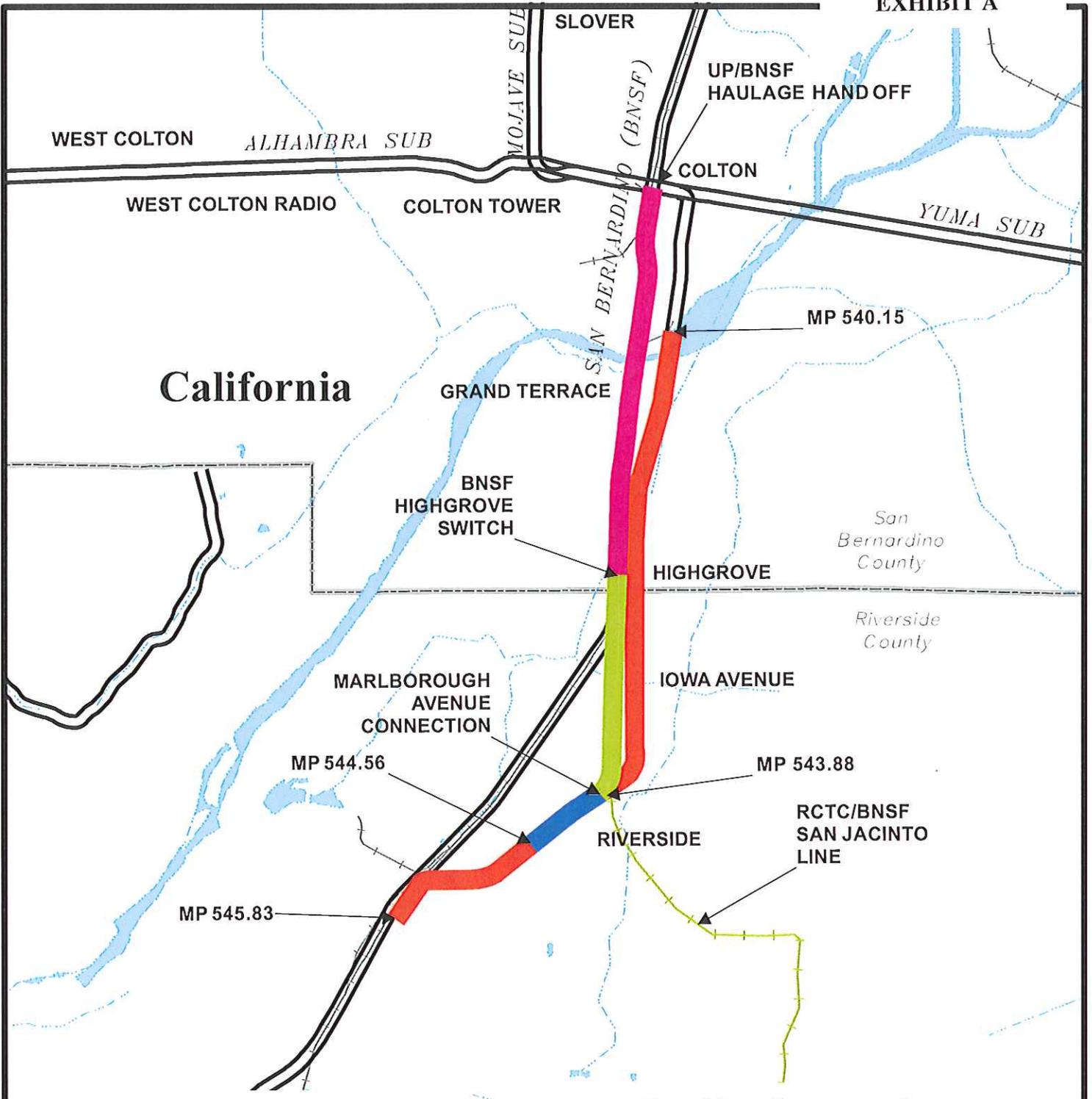
U.S. Department of the Interior
National Park Service
Legislative & Congressional Affairs Office
1849 C Street, N.W., Room 3309
Washington, DC 20240

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

Executive Director
Public Utilities Commission of
the State of California
Attn: Tack Joe – Rail Safety
505 Van Ness
San Francisco, CA 94102

Rail Program Manager
Planning Division
California Transportation Department
1120 N. Street
Sacramento, CA 95814

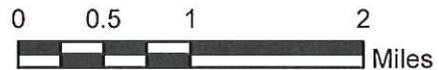
Transportation Planner
Department of Transportation
1120 N. Street
Sacramento, CA 95814



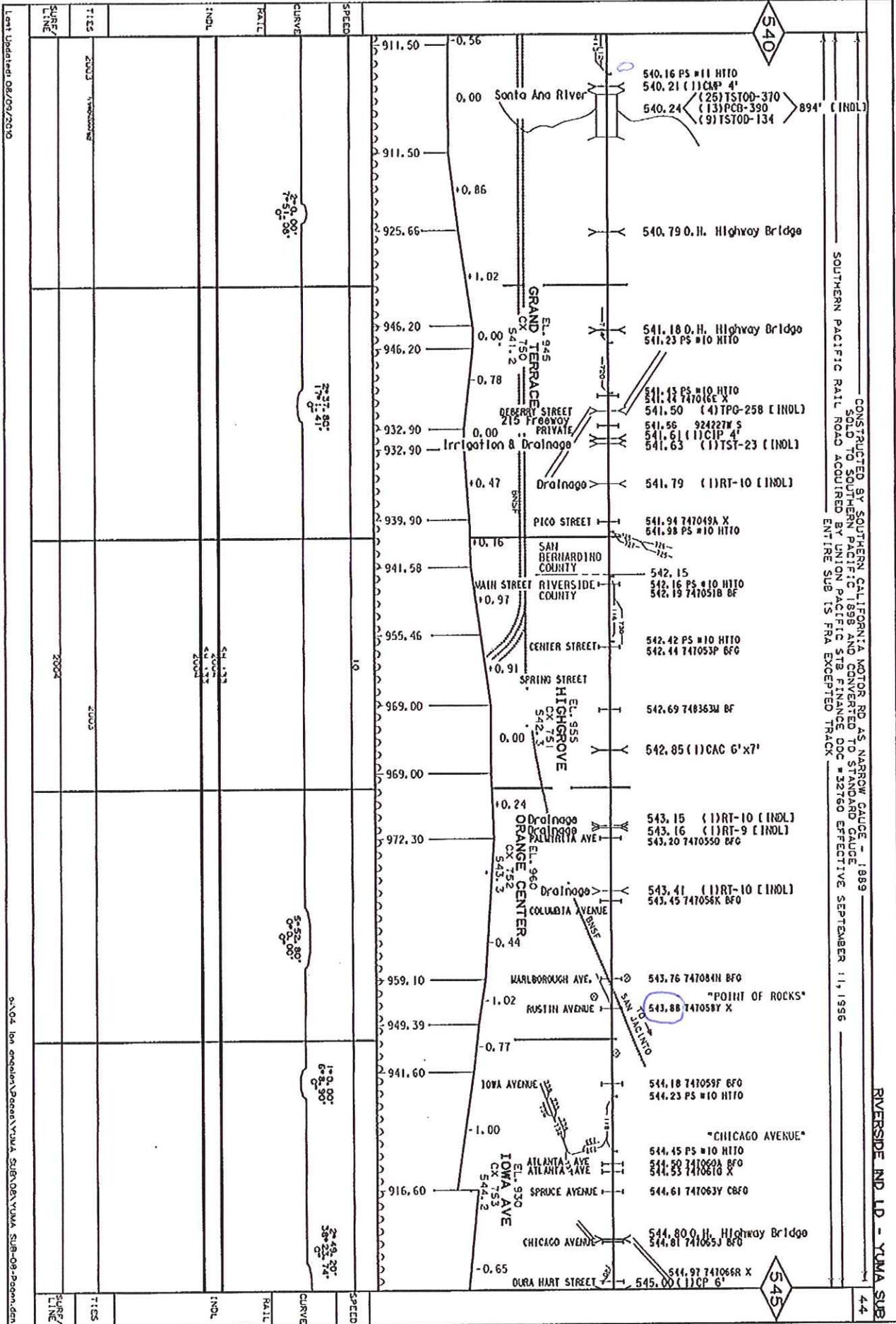
California

Legend

- EXISTING UPRR RIGHTS ON BNSF
- NEW UPRR RIGHTS ON RCTC/BNSF SAN JACINTO LINE
- NEW BNSF RIGHTS ON UPRR RIVERSIDE IND. LEAD MP 543.88 TP MP 544.56
- UPRR SEGMENTS TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- OTHER UPRR RIGHTS ON BNSF



**UNION PACIFIC RAILROAD
CONTINUING SERVICE
RIVERSIDE, CA CUSTOMERS**



Last Updated: 06/09/2010

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