

UNION PACIFIC RAILROAD
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606-1718

P 312.777.2055
F 877.213.4433
mackshumate@up.com

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

March 4, 2014

235549
235550
ENTERED
Office of Proceedings
March 4, 2014
Part of
Public Record

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

**JOINT NOTICE OF INTERIM TRAIL USE / RAIL BANKING AGREEMENT
BETWEEN UNION PACIFIC RAILROAD COMPANY AND
BENTON COUNTY, OREGON IN ACCORDANCE WITH 49 C.F.R. 1152.29(h)**

Re: Proposed Abandonment of and Discontinuance of Service on the Bailey Branch from M.P. 671.58 near Monroe to M.P. 682.25 near Greenberry, and the Hull Oakes Lead from M. P. 673.21 near Alpine Jct. to M. P. 680.06 near Dawson in Benton County, Oregon; STB Docket No. AB-33 (Sub-No. 257X) and AB-986 (Sub-No. 1X)

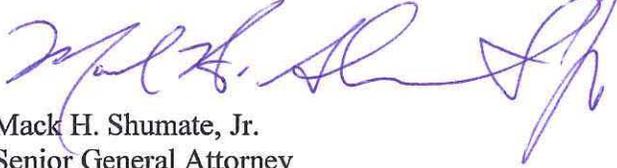
Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") and Benton County Board of Commissioners ("Benton County") have entered into a trail use / rail banking agreement (the "Trail Use Agreement") covering the rail line (1) from milepost 682.25 near Greenberry, Oregon to milepost 671.58 near Monroe, Oregon, on the Bailey Branch and (2) from milepost 673.21 near Alpine Junction, Oregon to milepost 680.06 near Dawson, Oregon on the Hull Oakes Lead for a total distance of 17.86 miles (collectively, the "Line"). Attached to this Joint Notice as Exhibit A and hereby made a part hereof, is a map depicting an accurate description of the Line including mileposts that is the subject of said Trail Use Agreement. In accordance with the requirements of 49 C.F.R. 1152.29(h) the Union Pacific and Benton County hereby certify that the Trail Use Agreement includes provisions requiring the trail sponsor, Benton County, to fulfill the responsibilities described at 49 C.F.R. 1152.29(a) (3). A copy of Benton County's said Statement of Willingness to Assume Financial Responsibility under the Trail Use Agreement is attached hereto as **Exhibit B** and is hereby made a part hereof.



Sincerely,

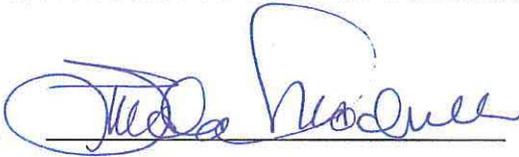
UNION PACIFIC RAILROAD COMPANY



Mack H. Shumate, Jr.
Senior General Attorney

Sincerely,

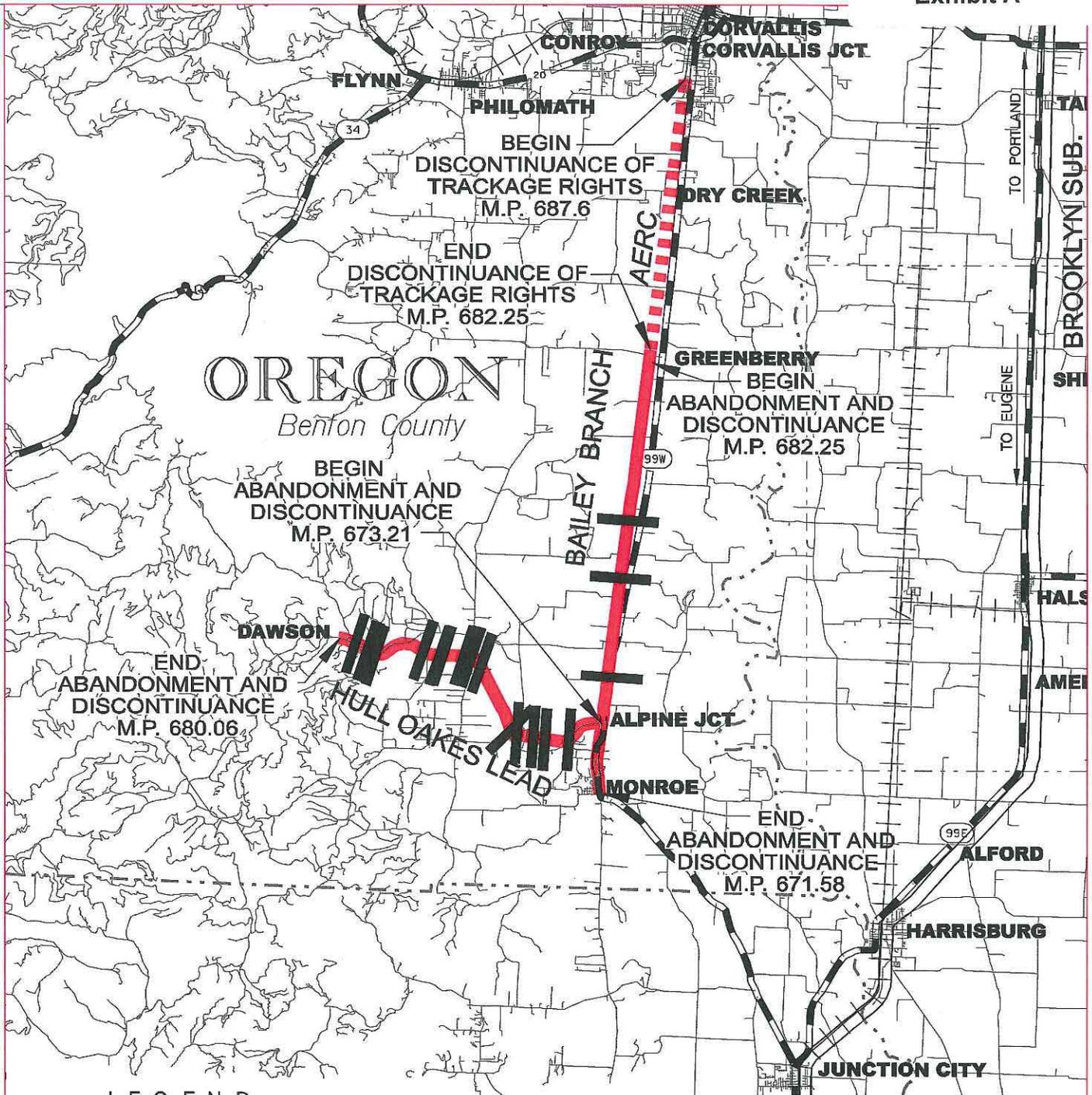
BENTON COUNTY BOARD OF COMMISSIONERS

By: 
Chuck Benton County Commissioner

Title

Enclosure

cc: Loren J. Smith Farms
Goracke Brothers
Van Beek Dairy Farm
Nusbaum Farms
Hull Oakes Lumber Co.
Wilbur Ellis



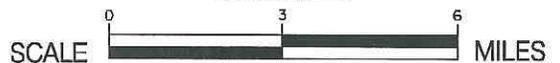
LEGEND

-  UPRR LINES (TO BE ABANDONED BY UPRR) AND (WPRR TO DISCONTINUE OPERATIONS)
-  AERC LINE (UPRR AND WPRR TO DISCONTINUE OVERHEAD TRACKAGE RIGHTS)
-  OTHER UPRR LINES
-  OTHER RAILROADS
-  RAILROADS (abandoned)
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS
-  BRIDGES (SEE ATTACHED)

BAILEY BRANCH
 ABANDONMENT MP 671.58 TO MP 682.25, 10.67 MILES
 DISCONTINUANCE OF RIGHTS MP 682.25 TO MP 687.6, 5.35 MILES
 IN BENTON COUNTY

HULL OAKES LEAD
 ABANDONMENT MP 673.21 TO MP 680.06
 7.19 MILES IN BENTON COUNTY

UNION PACIFIC RAILROAD CO.
BAILEY BRANCH AND HULL OAKES LEAD
OREGON





BOARD OF COMMISSIONERS

408 SW Monroe Ave., Suite 111

P.O. Box 3020

Corvallis, OR 97339-3020

(541) 766-6800

FAX (541) 766-6893

ENTERED
Office of Proceedings

JUN 29 2011

Part of
Public Record

June 28, 2011

Ms. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 East St. SW
Washington D.C. 20423-0001

230407

RECEIVED
BENTON COUNTY
JUN 29 2011

Re: Union Pacific Railroad – Abandonment – Benton County, Oregon
STB Docket No. AB-33 (Sub-no.257X)

Dear Ms. Brown:

This comment should be treated as a protest or a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of Benton County which is a political subdivision of the State of Oregon, which is hereinafter referred to as 'Proponent'.

While not taking a position on the merits of this abandonment, Proponent requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between Milepost 671.58 south of Corvallis and Milepost 682.5 in Monroe including a spur terminating at Hull-Oakes Mill.

A. Public Use Condition

Commenter requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except of public use on reasonable terms. The justification for this condition is that the corridor would make an excellent recreational trail and wildlife corridor, and conversion of the property to trail and wildlife uses is consistent with local plans. The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time because we have not had an opportunity to assemble or to review title information, complete a trail plan or commence negotiations with the carrier.
2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, Commenter also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. §1152.29, Benton County is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operation by Union Pacific.

The property, known as the Bailey Branch, extends from railroad milepost 671.58 near Corvallis to railroad milepost 682.5, a distance of 10.92 miles in Benton County, Oregon. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-33 (Sub-no.257X).

A map depicting the right-of-way is attached.

Benton County acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon Union Pacific, Mack H. Shumate Jr., Senior General Attorney, 101 N. Wacker Drive, Room 1920, Chicago, IL 60606, by U.S. Mail, postage prepaid, first class, this 28th day of June 2011.

Respectfully submitted,



Linda Modrell, Chair
Benton County Board of Commissioners