

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

P 402 544 4735  
jmberman@up.com

Jeremy M. Berman Assistant General Attorney

February 3, 2014

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

235419  
ENTERED  
Office of Proceedings  
February 3, 2014  
Part of  
Public Record

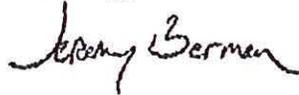
**RE: Proposed Discontinuance of Service over a portion of the Pearson Industrial Lead from Milepost 134.39 to Milepost 133.29, a total distance of 1.1 miles in Yuba County, California; STB Docket No. AB-33 (Sub-No. 317X)**

Dear Ms. Brown:

Pursuant to the Board's exemption procedures for discontinuance of service of rail lines with no local business for at least two (2) years, (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. 317X). Enclosed is a credit authorization voucher in the amount of \$3,900.00 for the filing fee.

Sincerely,



Jeremy M. Berman

FEE RECEIVED  
February 3, 2014  
SURFACE  
TRANSPORTATION BOARD

FILED  
February 3, 2014  
SURFACE  
TRANSPORTATION BOARD



**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**DOCKET NO. AB-33 (Sub-No. 317X)**

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**UNION PACIFIC RAILROAD COMPANY  
-- DISCONTINUANCE OF SERVICE EXEMPTION --  
IN YUBA COUNTY, CALIFORNIA**

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**VERIFIED NOTICE OF EXEMPTION  
FOR DISCONTINUANCE OF SERVICE**

---

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr.  
Jeremy M. Berman  
1400 Douglas Street  
STOP 1580  
Omaha, NE 68179  
(402) 544-4735  
(402) 501-3773 (FAX)  
jmberman@up.com

**Dated and Filed:** February 3, 2014

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**DOCKET NO. AB-33 (Sub-No. 317X)**

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**UNION PACIFIC RAILROAD COMPANY  
-- DISCONTINUANCE OF SERVICE EXEMPTION --  
IN YUBA COUNTY, CALIFORNIA**

---

**VERIFIED NOTICE OF EXEMPTION**

Union Pacific Railroad Company ("UP") submits this verified Notice of Exemption for Discontinuance of Service ("Notice of Exemption") pursuant to 49 § C.F.R. 1152, Subpart F ~ Exempt Abandonments and Discontinuances of Service for an exempt discontinuance of service on that portion of the Pearson Industrial Lead extending from Milepost 134.39 near Cleveland to Milepost 133.29 near Alicia, a total distance of 1.1 miles (the "Line"), in Yuba County, California.

In accordance with the requirements of 49 C.F.R. § 1152.50(d)(2), UP submits the following information:

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

The discontinuance is proposed to be consummated at least 50 days after filing this 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 discontinue service over the Pearson Industrial Lead from Milepost 134.39 near Cleveland to Milepost 133.29 near Alicia, a total distance of 1.1 miles in Yuba County, California.

(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  
Assistant General Attorney  
1400 Douglas Street  
STOP 1580  
Omaha, NE 68179  
(402) 544-4735  
(402) 501-3773 (FAX)

(a)(8) ZIP Codes. The Line traverses U.S. Postal Service Zip Codes 95961 and 95901.

(e)(4) Rural and Community Impact.

The Line was constructed in 1907 by the Northern Electric Railroad. The Line consists of 60-pound rail. 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.

After the discontinuance, the closest rail service will be provided by UP Sacramento Subdivision. The station subject to discontinuance, Alicia, lies on local roads within several miles of the intersection of several state highways at Marysville/Yuba City. These include north-south Routes 99 and 70, and east-west Route 20 (collectively the "Local Roads"). The Marysville/Yuba City area in turn lies about 30 miles via these Local Roads from Interstates 5 and 80.

**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**

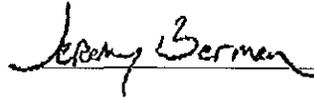
Attached as **Exhibit 2** is a Certificate of Service and Publication, pursuant to the notice requirements of 49 C.F.R §§ 1152.50(d)(1), 1105.11 and 1105.12.

**Environmental and Historic Report**

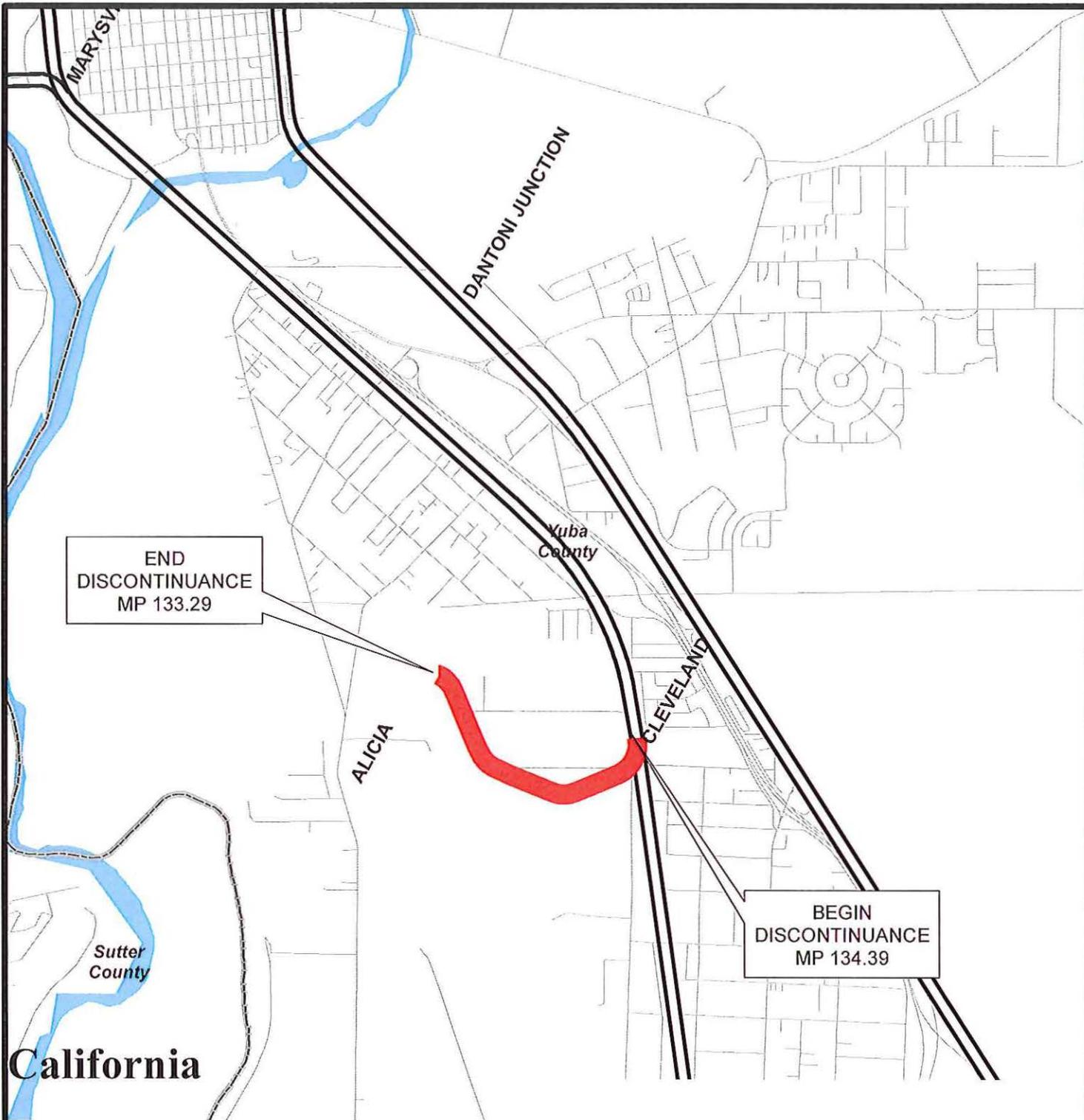
Not applicable in that UP is merely discontinuing service on the Line.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

A handwritten signature in cursive script that reads "Jeremy Berman". The signature is written in black ink and is positioned above a horizontal line that extends to the right.

Mack H. Shumate, Jr.  
Jeremy M. Berman  
1400 Douglas Street  
STOP 1580  
Omaha, NE 68179  
(402) 544-4735  
(402) 501-3773 (FAX)  
jmberman@up.com



California

**Legend**

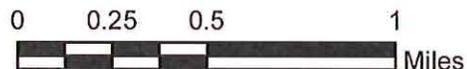
-  UPRR TO BE DISCONTINUED
-  OTHER UPRR LINES
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

**PEARSON INDUSTRIAL LEAD**

UNION PACIFIC RAILROAD CO.  
 MP 134.39 TO MP 133.29  
 TOTAL OF 1.1 MILES IN YUBA COUNTY  
 IN CALIFORNIA

**UNION PACIFIC RAILROAD CO.  
 PEARSON INDUSTRIAL LEAD  
 CALIFORNIA**

NOTE : THERE ARE NO 50+ YEAR OLD STRUCTURES



DOCKET NO. AB – 33 (SUB-NO. 317X)

UNION PACIFIC RAILROAD COMPANY  
-- DISCONTINUANCE OF SERVICE EXEMPTION --  
IN YUBA COUNTY, CALIFORNIA

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) – Notice

The undersigned certifies that on December 13, 2013 (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 discontinue service on the Pearson Industrial Lead in Yuba County, California in Docket No. AB-33 (Sub-No. 317X). Said written notice (a copy of which is attached hereto as **Attachment No. 1**) was served on the following:

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

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

Railroads for National Defense Program  
Military Surface Deployment &  
Distribution Command  
Transportation Engineering Agency  
1 Soldier Way, Building 1900W  
Scott AFB, Illinois 62225

Mr. Tom Tidwell  
Chief of the Forest Service  
U.S. Department of Agriculture  
1400 Independence Avenue, S.W.  
Washington, D.C. 20250

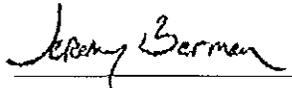
U.S. Department of the Interior  
National Park Service  
Legislative & Congressional Affairs Office  
1849 C Street, N.W., Room 3309  
Washington, D.C. 20240

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

The undersigned further certifies that a “Notice of Intent to Discontinue Service” was published in the form prescribed by the Board for a Notice of Exemption (Copy Attached as **Attachment No. 2**). The Notice was published one time in a major newspaper in the county in which the Line is located as follows:

<b><u>County</u></b>	<b><u>Newspaper</u></b>	<b><u>Date</u></b>
Yuba	Appeal-Democrat	December 21, 2013

Dated this 3<sup>rd</sup> day of February, 2014



Jeremy M. Berman

UNION PACIFIC RAILROAD  
1400 Douglas Street, Stop 1680  
Omaha, Nebraska 68179

P 402 544 4735  
jmberman@up.com

Jeremy M. Berman    Assistant General Attorney

December 13, 2013

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

Rail Program Manager  
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Legislative & Congressional Affairs Office  
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Washington, D.C. 20240

Mr. Tom Tidwell  
Chief of the Forest Service  
U.S. Department of Agriculture  
1400 Independence Avenue, S.W.  
Washington, D.C. 20250

**RE:    Proposed Discontinuance on the Pearson Industrial Lead from Milepost  
134.39 near Cleveland to Milepost 133.29 near Alicia, a total distance of 1.1  
miles in Yuba County, California, STB Docket No. AB-33 (Sub-No. 317X)**

Dear Sir or Madame:

This is notice that Union Pacific Railroad Company ("UP") expects to file with the United States Surface Transportation Board ("STB"), on or after December 21, 2011, a Notice of Exemption for Discontinuance of Service from Milepost 134.39 near Cleveland to Milepost 133.29 near Alicia, a total distance of 1.1 miles in Yuba County, California (the "Line"). The Line traverses U. S. Postal Service Zip Codes 95961 and 95901.

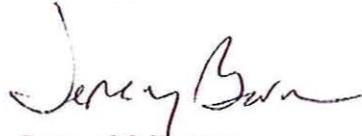
The "no business" exemption procedure will be used to discontinue service on the Line, pursuant to the STB's abandonment regulations at 49 C.F.R. § 1152.50. No local traffic has moved over the Line for at least two (2) years and there is no overhead traffic on the Line. A Notice of Exemption for Discontinuance of Service pursuant to 49 C.F.R. §1152.50 (no local traffic for at least two (2) years) will be filed with the STB on or after December 22, 2011.



Based on information in UP's possession, the Line does contain federally granted and reversionary rights-of-way. Any documentation in UP's possession will be made available promptly to those requesting it.

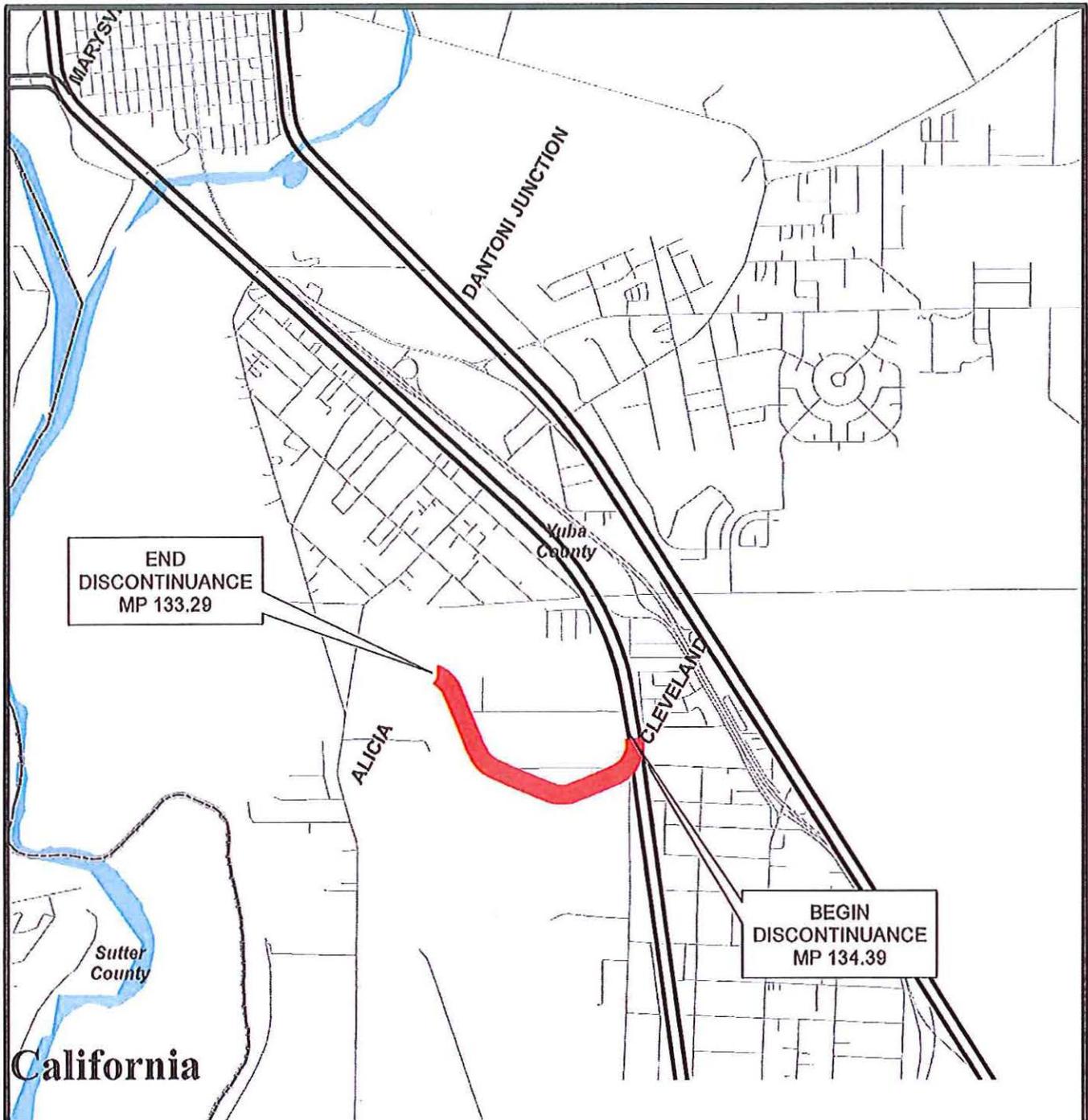
A map showing the segments of Line to be abandoned and discontinued, respectively, is attached as Exhibit A for your information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeremy Berman". The signature is fluid and cursive, with the first name "Jeremy" and last name "Berman" clearly distinguishable.

Jeremy M. Berman  
Assistant General Attorney

Attachment



END  
DISCONTINUANCE  
MP 133.29

BEGIN  
DISCONTINUANCE  
MP 134.39

**Legend**

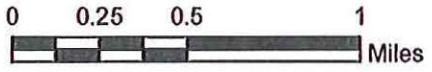
-  UPRR TO BE DISCONTINUED
-  OTHER UPRR LINES
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

**PEARSON INDUSTRIAL LEAD**

UNION PACIFIC RAILROAD CO.  
MP 134.39 TO MP 133.29  
TOTAL OF 1.1 MILES IN YUBA COUNTY  
IN CALIFORNIA

**UNION PACIFIC RAILROAD CO.  
PEARSON INDUSTRIAL LEAD  
CALIFORNIA**

NOTE : THERE ARE NO 50+ YEAR OLD STRUCTURES



Q:\abandonments\ab33\_317x\_Pearson\_Ind.mxd

**AFFIDAVIT OF PUBLICATION**  
(2015.5 C.C.P.)

**APPEAL-DEMOCRAT**

1530 Ellis Lake Drive, Marysville, CA 95901 \* (530) 749-4700

**STATE OF CALIFORNIA \* Counties of Yuba and Sutter**

I am not a party to, nor interested in the above entitled matter. I am the principal clerk of the printer and publisher of THE APPEAL-DEMOCRAT, a newspaper of general circulation, printed & published in the City of Marysville, County of Yuba, to which newspaper has been adjudged a newspaper of general circulation by The Superior Court of the County of Yuba, State of California under the date of November 9, 1951, No. 11481, and County of Sutter to which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Sutter, State of California under the date of May 17, 1999, Case No. CV PT99-0819. The Notice, of which the annexed is a copy, appeared in said newspaper on the following dates:

**December 21, 2013**

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I declare under penalty of perjury that the foregoing is true and correct. Executed at Marysville, California.

**December 23, 2013**



Date

Signature

**Union Pacific Railroad Company**

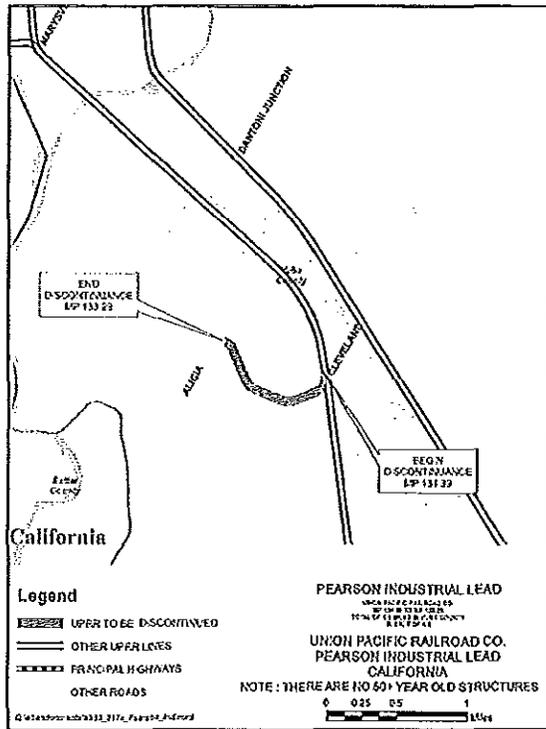
**Notice of Intent to Discontinue Service**

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**COPY:**

**NOTICE OF INTENT TO DISCONTINUE SERVICE**

UNION PACIFIC RAILROAD COMPANY ("UP") gives notice that on or after December 21, 2013, it intends to file with the Surface Transportation Board, Washington, D.C. 20423, a Notice of Exemption under 49 C.F.R. Part 1152, Subpart F -- Exempt Abandonments and Discontinuances, for an exempt discontinuance of service on that portion of the Pearson Industrial Lead extending from Milepost 134.39 near Cleveland to Milepost 133.29 near Alicia, a total distance of 1.1 miles located in Yuba County, California (the "Line"). The Line traverses U. S. Postal Service Zip Codes 95961 and 95901. The proceeding has been docketed as No. AB-33 (Sub-No. 317X).



The Board's Office of Environmental Analysis ("OEA") will generally prepare an Environmental Assessment ("EA"), which will normally be available twenty-five (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 inquiries regarding environmental matters by writing to the OEA, Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295. The Notice of Exemption will provide that the proceeding is exempt from environmental reporting requirements under 49 CFR 1105.6(c) and from historic reporting requirements under 49 CFR 1105.8(b).

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 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).] Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Government Affairs and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on UP's attorney: Jeremy M. Berman, Assistant General Attorney, 1400 Douglas Street, MS 1580, Omaha, Nebraska 68179 (402) 544-4735.

UNION PACIFIC RAILROAD COMPANY

December 21, 2013

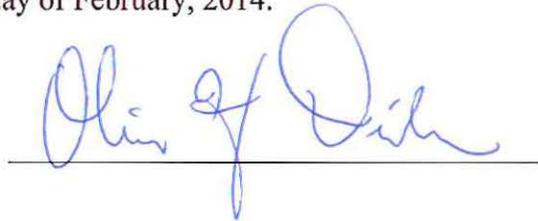
Ad #00163832

**VERIFICATION**

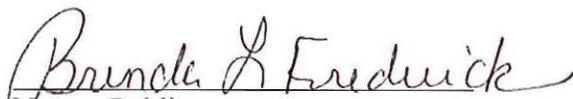
State of Nebraska            )  
  ) ss:  
County of Douglas         )

I, Olin H. Dirks, Senior Manager Rail Line Planning, for Union Pacific Railroad Company declare under penalty of perjury, under the laws of the United States of America, that I have read the forgoing 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 3<sup>rd</sup> day of February, 2014.



SUBSCRIBED AND SWORN TO  
before me this 3<sup>rd</sup> day of  
February, 2014.

  
Notary Public

