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February 2, 2016

Via E-File

239974

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
February 2, 2016
Part of
Public Record

Re: Docket No. AB-33 (Sub-No 318X)
Union Pacific Railroad Company
-Abandonment Exemption-
In McLennan County, Texas
(Former Texas Central Railroad n/k/a Texas Central Lead)
City of Waco's Request for Issuance of a Notice of Interim Trail Use

Dear Ms. Brown,

Enclosed for filing please find the City of Waco's Request for Issuance of a Notice of Interim Trail Use pursuant to 16 U.S.C. 1247(d) and 49 C.F.R. § 1152.29(a). From my discussions with staff of the Surface Transportation Board, the City of Waco is not required to pay a filing fee since it is a governmental entity. As stated in the City's Petition, the City of Waco has good cause for late filing of the Petition. The City needed additional time beyond the filing deadline for interim trail use and rail banking requests in order to evaluate and determine that the right-of-way would be appropriate for use as a trail. The City has been in contact with staff of Union Pacific Railroad Company ("UP") and UP staff has indicated that UP is willing to negotiate a Trail Use Agreement with the City. The City of Waco would appreciate the Board favorably considering the City's Request for Issuance of a Notice of Interim Trail Use.

Sincerely,

John T. Patterson
Assistant City Attorney

Enclosure

FILING FEE WAIVED

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**DOCKET NO. AB-33 (Sub-No. 318X)
UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN MCLENNAN COUNTY, TEXAS
(FORMER TEXAS CENTRAL RAILROAD N/K/A TEXAS CENTRAL LEAD)**

**REQUEST FOR ISSUANCE OF A
NOTICE OF INTERIM TRAIL USE**

Pursuant to 16 U.S.C. 1247(d) and 49 C.F.R. § 1152.29(a), the City of Waco, Texas ("the City") hereby makes its Request for Issuance of a Notice of Interim Trail Use. The City states as follows:

1. The City is a Texas Home Rule municipality.
2. The City files this petition pursuant to its Home Rule Charter, and pursuant to state, federal and local law as applicable.
3. That the name, title and address of the City's representative to whom correspondence should be sent is:

John T. Patterson
Assistant City Attorney
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4. The City is interested in acquiring or using the right-of-way of the rail line which is proposed to be abandoned and is the subject of this proceeding, for interim trail use and rail banking. The rail line or property, known as the Texas Central Lead, extends from Milepost 2.31 to Milepost 4.76 near Waco, Texas, and traverses U.S. Postal Service Zip Codes 76704 and 76705.
 5. The City makes the following:
STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL
RESPONSIBILITY
-

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29 with respect to the right-of-way owned and operated by Union Pacific Railroad, the City of Waco as interim trail sponsor is willing to assume full responsibility for: (1) managing the right-of-way, (2) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify the railroad against any potential liability), and (3) the payment of any and all taxes that may be levied or assessed against the right of way. The property, known as Texas Central Lead, extends from Milepost 2.31 to Milepost 4.76, near Waco Texas, a distance of 2.45 miles in McLennan County, Texas. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB-33 (Sub-No. 318X). A map of the property depicting the right-of-way is attached hereto as Exhibit A.

The City of Waco as interim trail sponsor acknowledges that use of the right-of-way is subject to the City's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad(s) on the same date it is being served on the Board.

6. The City has been in contact with staff of Union Pacific Railroad ("UP") and UP staff has indicated that UP is willing to negotiate a Trail Use Agreement with the City.
7. The City of Waco has good cause for late filing of this Petition. The City needed additional time beyond the filing deadline for interim trail use and rail banking requests in order to evaluate and determine that the right-of-way would be appropriate for use as a trail.

WHEREFORE, the City of Waco requests that the Board issue a Notice of Interim Trail Use authorizing the City and UP to negotiate for the City's acquisition or use of right-of-way involved in this proceeding for interim trail use and rail banking.

Respectfully submitted,

OFFICE OF THE CITY ATTORNEY
CITY OF WACO, TEXAS

By: John T. Patterson

John T. Patterson

Assistant City Attorney

State Bar No. 15601300

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**ATTORNEY FOR CITY OF WACO,
TEXAS**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

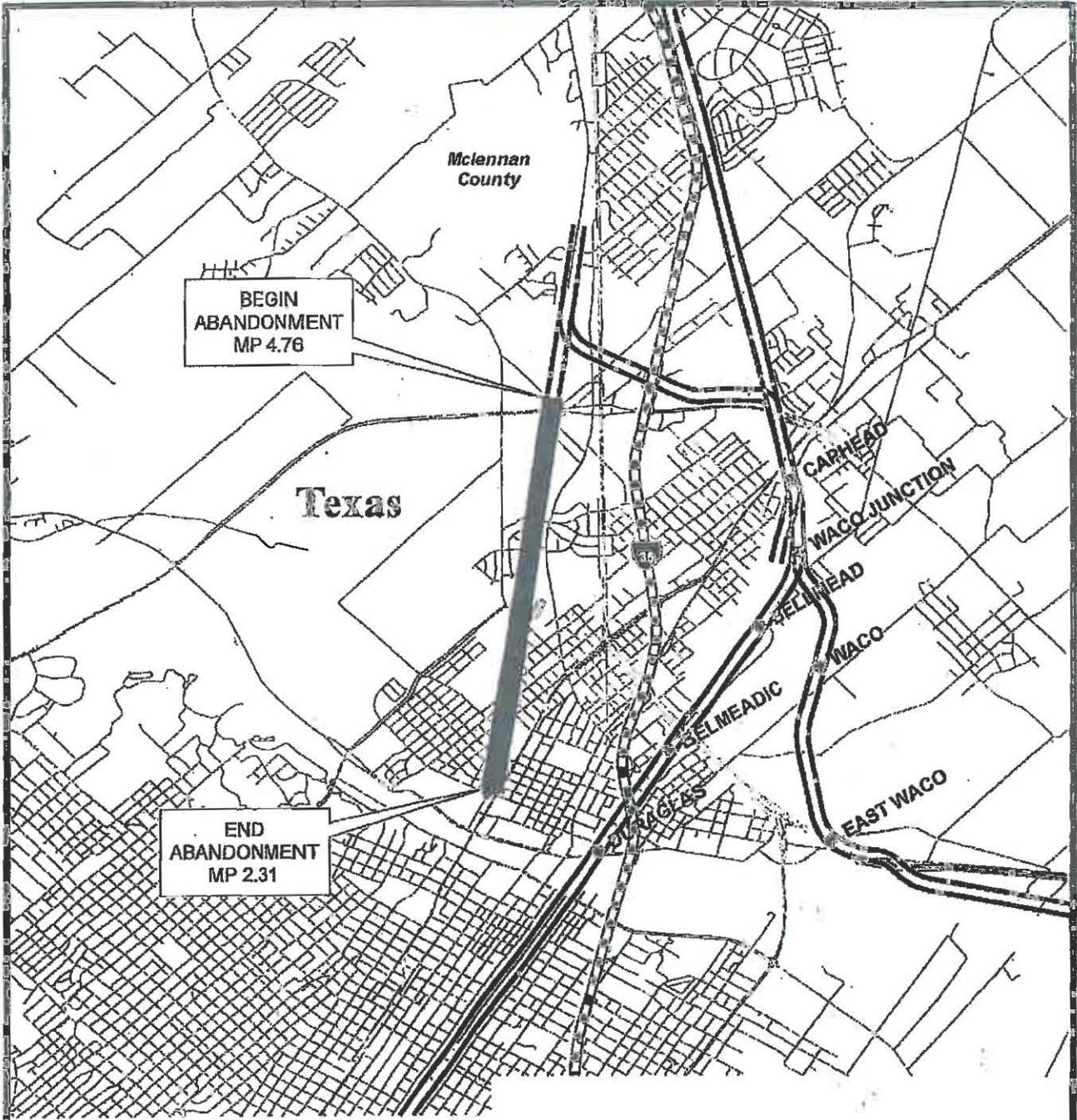
**DOCKET NO. AB-33 (Sub-No. 318X)
UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN MCLENNAN COUNTY, TEXAS
(FORMER TEXAS CENTRAL RAILROAD N/K/A TEXAS CENTRAL LEAD)**

CERTIFICATE OF COMPLIANCE WITH SERVICE REQUIREMENT

The undersigned hereby certifies that he served a copy of the attached Request for Issuance of a Notice of Interim Trail Use upon Mack H. Shumate, Jr., Senior General Attorney for Union Pacific Railroad Company, on this the 2nd day of February, 2016, by mailing a copy by first class mail to his office located at 101 North Wacker Drive, #1920, Chicago, Illinois 60606 and by also emailing a copy at his email address (mackshumate@up.com).



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Legend

-  Former Texas Central Railroad
-  OTHER UPRR LINES
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

FORMER TEXAS CENTRAL RAILROAD

UNION PACIFIC RAILROAD CO.
MP 2.31 TO MP 4.76
TOTAL OF 2.45 MILES IN MCLENNAN COUNTY
IN TEXAS

**UNION PACIFIC RAILROAD CO.
FORMER TEXAS CENTRAL RAILROAD
TEXAS**

NOTE : THERE ARE NO 50+ YEAR OLD STRUCTURES

