

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

May 17, 2013

234260

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 17, 2013
Part of Public
Record

RE: Proposed Abandonment of the Cedar City Subdivision from Milepost 30.80 to the end of the Line at Milepost 31.83 in Cedar City, a total distance of 1.03 miles in Iron County, Utah; STB Docket No. AB-33 (Sub-No. 283X)

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. 283X). Enclosed is a credit authorization voucher in the amount of \$3,700.00 for the filing fee.

Sincerely,



Mack H. Shumate, Jr.
Senior General Attorney

MHS/ev
Encl.

2013_05_16_Cedar City AB-33-Sub-No. 283X) Brown-Ltr-STB-NOE



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 283X)

**UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN IRON COUNTY, UTAH
(CEDAR CITY SUBDIVISION)**

Notice of Exemption

UNION PACIFIC RAILROAD COMPANY
Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, #1920
Chicago, Illinois 60606
312/777-2055 (Tel.)
312/777-2065 (FAX)

Dated and filed: May 17, 2013

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 283X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN IRON COUNTY, UTAH
(CEDAR CITY SUBDIVISION)**

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 on the Cedar City Subdivision from Milepost 30.80 to the end of the Line at Milepost 31.83 in Cedar City, a total distance of 1.03 miles in Iron County, Utah (the "Line").

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

The abandonment and discontinuance are proposed to be consummated on or after July 6, 2013 (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 Cedar City Subdivision from Milepost 30.80 to the end of the Line at Milepost 31.83 in Cedar City, a total distance of 1.03 miles in Iron County, Iowa.

(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:

Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, #1920
Chicago, Illinois 60606
312/777-2055 (Tel.)
312/777-2065 (FAX)

(a)(8) ZIP Codes. The Line traverses U.S. Postal Service Zip Code 84721.

(e)(4) Rural and Community Impact.

The right-of-way of the Line proposed for abandonment is not suitable for public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission as this area is adequately served by existing roads and utility lines at the present time. There does appear to be local interest by the city of Cedar City in use of the right of way as a public recreational trail for hiking and bicycle use and UP is willing to explore this possibility with Cedar City.

The Line proposed for abandonment contains no reversionary property. Based on UP's records, the Line does not contain any federally granted right-of-way. Any documentation in UP's possession concerning the Line will be made available to those requesting it.

After the proposed abandonment, UP will continue to provide rail service to Cedar City from the remaining portion of the Cedar City Subdivision. Cedar City is served by local roads and highways. Cedar City is also served by Interstate 15, which crosses over the Line and Utah Routes 130, 14 and 56.

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 as **Exhibit No. 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 No. 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 corrected letter which accompanied UP's Corrected Combined Environmental and Historic Report ("Corrected 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 No. 3**. The Corrected CEHR was electronically

filed with the Office of Environmental Analysis (OEA), on March 6, 2013. The Corrected CEHR indicated that the proposed abandonment will have no effect on historical or cultural resources. UP consulted with and submitted historical information to the Utah State Historical Society (the "Office") on September 14, 2009 and on August 10, 2012. After reviewing this information, the Office responded with a letter dated May 18, 2012 concurring informally with UP's view that the proposed abandonment would have no effect on historical or cultural resources in that a prior abandonment in the area and alterations to the area over time have compromised the historic integrity of the area. (See **Attachment No. 6** to UP's Corrected CEHR.) The Office's comment about "abandonments and alterations over time" alludes to the fact that the UP Cedar City Subdivision once ended in a distinctive loop track serving a passenger depot in the area where tourists transferred from trains to uses destined to UP National Park Hotels. The entire loop was abandoned and portions reclassified or salvaged as per ICC authority granted in 1978, and the historic integrity of the area of the Line was compromised as a result. However, the depot was preserved and remains.

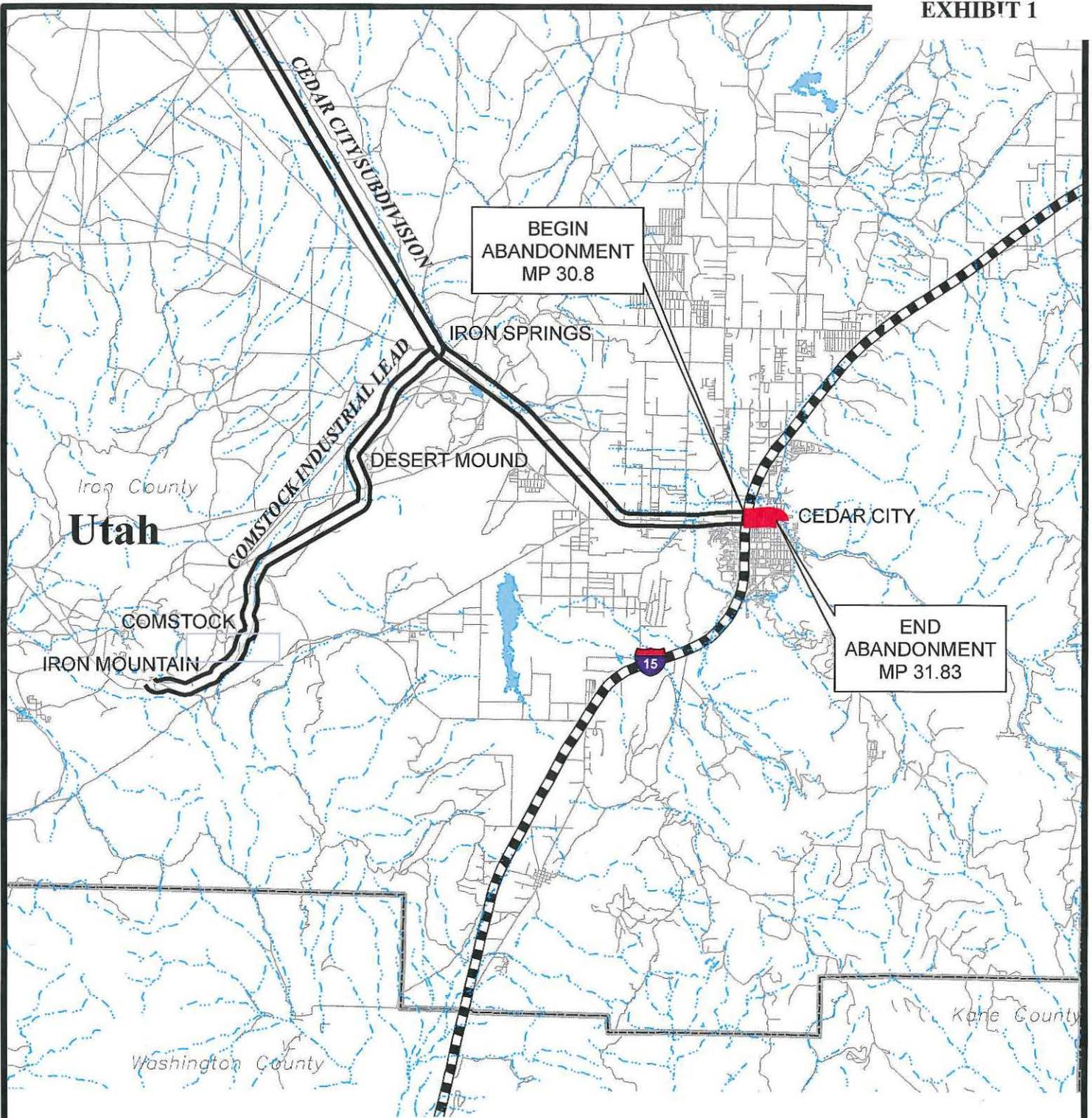
Dated this 17th day of May, 2013.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, #1920
Chicago, Illinois 60606
312/777-2055 (Tel.)
312/777-2065 (FAX)



Legend

-  UPRR TO BE ABANDONED
-  OTHER UPRR LINES
-  OTHER RAILROADS
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

CEDAR CITY SUBDIVISION

MP 30.8 TO MP 31.83
TOTAL OF 1.03 MILES IN IRON COUNTY
IN UTAH

**UNION PACIFIC RAILROAD CO.
CEDAR CITY SUBDIVISION
UTAH**

INCLUDING 50+ YEAR OLD STRUCTURES

NOTE : THERE ARE NO 50+ YEAR OLD STRUCTURES



DOCKET NO. AB-33 (SUB-NO. 283X)

UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN IRON COUNTY, UTAH
(CEDAR CITY SUBDIVISION)

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) - Notice

The undersigned certifies that on March 5, 2013 (at least 10 days before a Notice of Exemption is filed), written notice was given of Union Pacific's intent to use the Notice of Exemption procedure to abandon the Cedar City Subdivision in Iron County, Utah in Docket No. AB-33 (Sub-No. 283X). Written notice (a copy of which is attached hereto as **Attachment No. 1**) was served on the following:

State Clearinghouse (or alternate):
Carolyn Wright
Utah State Clearinghouse
Governor's Office of Planning and Budget
State Capitol, Room 116
Salt Lake City, UT 84114

National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

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 March 6, 2013 (at least 20 days before a Notice of Exemption is filed), a Corrected 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.

283X) for abandonment of the Cedar City Subdivision in Iron County, Utah 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

(The Certificate of Service attached to the Combined Environmental and Historic Report 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 No. 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>
Iron	The Spectrum	April 29, 2013

Dated this 17th day of May, 2013.



Mack H. Shumate, Jr.

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

April 16, 2013

Carolyn Wright
Utah State Clearinghouse
Governor's Office of Plaintiff and Budget
State Capitol, Room 115
Salt Lake City, UT 84114

National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

U.S. Dept. of Agriculture
Chief of the Forest Service
4th Floor, N.W. Auditors Building
U.S. Department of Agriculture
14th St. & Independence Avenue, 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 of the Cedar City Subdivision from Milepost 30.8 in Cedar City to Milepost 31.83 also in Cedar City, a total distance of 1.03 miles in Iron County, Utah; STB Docket No. AB-33 (Sub-No. 283X)

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 30, 2013, a notice of an exempt abandonment on a line of railroad known as the Cedar City Subdivision, located in Iron County, Utah, extending from Milepost 30.8 in Cedar City to Milepost 31.83 also in Cedar City, (The "Line"), a total distance of 1.03 miles. The Line traverses U.S. Postal Service zip code 84721.

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 30, 2013.

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.

ATTACHMENT 1



April 16, 2013
Page 2

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

Sincerely yours,

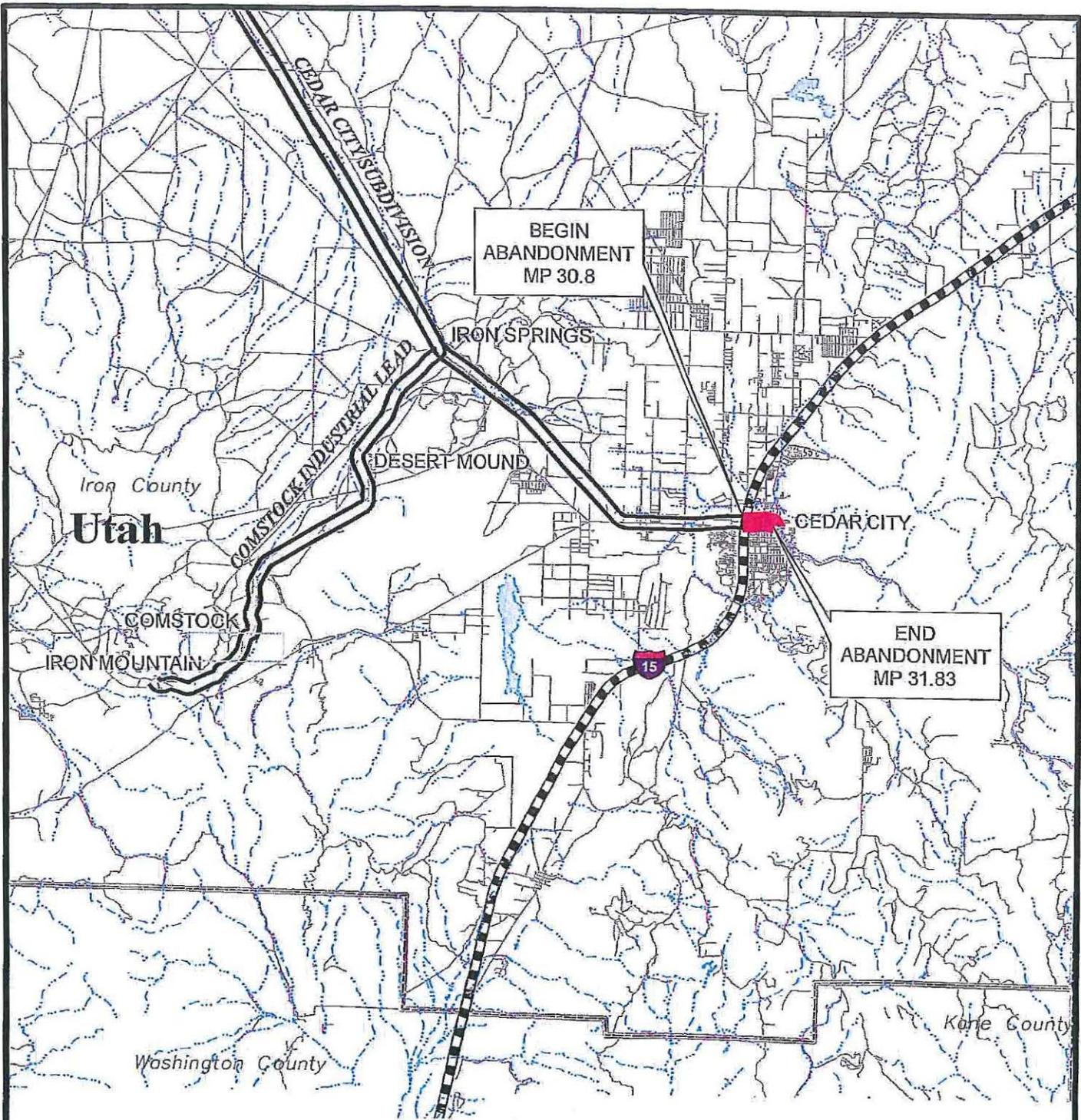
A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr." with a stylized, cursive script.

Mack H. Shumate, Jr.
Senior General Attorney

Attachment

2013_04_16 AB33 - Sub No. 283X - 10 Day Notice





Legend

- UPRR TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- PRINCIPAL HIGHWAYS
- OTHER ROADS

NOTE : THERE ARE NO 50+ YEAR OLD STRUCTURES

Q:\abandonments\lab33_283x_Cedar_City.mxd

CEDAR CITY SUBDIVISION

MP 30.8 TO MP 31.83
TOTAL OF 1.03 MILES IN IRON COUNTY
IN UTAH

**UNION PACIFIC RAILROAD CO.
CEDAR CITY SUBDIVISION
UTAH**

INCLUDING 50+ YEAR OLD STRUCTURES



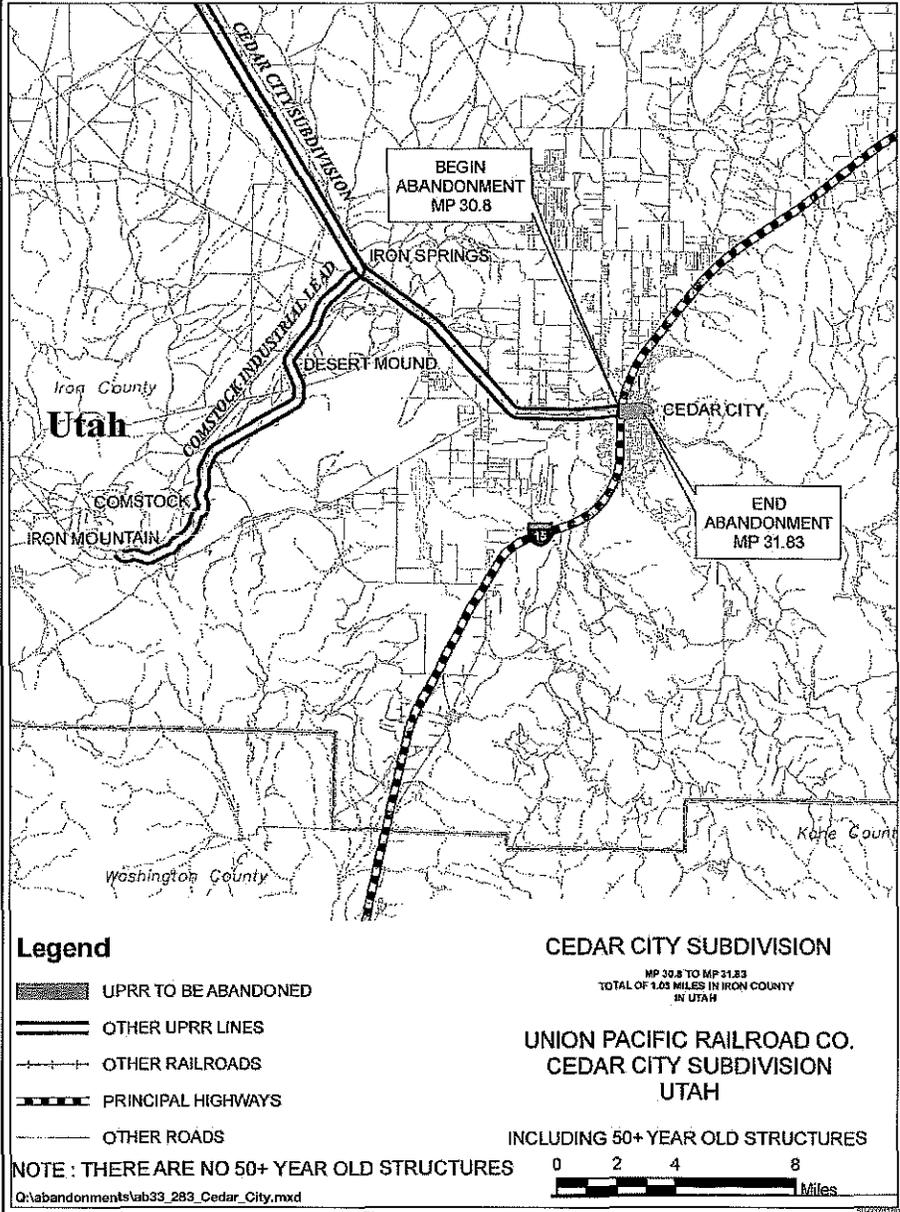
NOTICE OF INTENT TO ABANDON AND DISCONTINUE SERVICE

UNION PACIFIC RAILROAD COMPANY ("UP") gives notice that on or after April 30, 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 permitting the abandonment of a 1.03 mile line of railroad, known as the Cedar City Subdivision, located in Iron County, Utah, extending from Milepost 30.8 to Milepost 31.83 in Cedar City. The Line traverses U. S. Postal Service Zip Code 84721. The proceeding has been docketed as No. AB-33 (Sub-No. 283X).

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 inquiries regarding environmental matters by writing to the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.

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 Section of Administration, 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).] Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0238. Copies of any comments or requests for conditions should be served on UP's representative: Mack H. Shumate, Jr., Senior General Attorney, 101 North Wacker Drive, #1920, Chicago, Illinois 60606, (312) 777-2055.

PUB# L8247
published April 29, 2013
The Spectrum
UPAXLP
UNION PACIFIC RAILROAD COMPANY



ATTACHMENT 2

<input type="checkbox"/> PROOF O.K. BY: _____		<input type="checkbox"/> O.K. WITH CORRECTIONS BY: _____	
PLEASE READ CAREFULLY • SUBMIT CORRECTIONS ONLINE			
ADVERTISER: UNION PACIFIC RAILROAD C SALES PERSON: ELIZABETH CARNEY PUBLICATION: SU-DAILY	PROOF CREATED AT: 4/26/2013 11:39 AM PROOF DUE: - SIZE: 6 col X 14 in	NEXT RUN DATE: 04/29/13	SU-0000137011.INDD

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 6, 2013

VIA E-FILE

TO: SEE ATTACHED SERVICE LIST

Corrected Combined Environmental and Historic Report

RE: Proposed Abandonment of the Cedar City Subdivision from Milepost 30.8 in Cedar City to Milepost 31.83 also in Cedar City, a total distance of 1.03 miles in Iron County, Utah; STB Docket No. AB-33 (Sub-No. 283X)

To whom it may concern:

There was an error on the Combined Environmental and Historic Report dated March 5, 2013. Attached hereto is a Corrected Combined Environmental and Historic Report. On or after March 26, 2013, 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 Line from Milepost 30.8 in Cedar City to Milepost 31.83 in Cedar City, a distance of 1.03 miles, located in Iron County, Utah (collectively the "Line"). Attached is a Combined Environmental and Historic Report which describes 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 Section of Environmental Analysis (SEA) at the following address, and refer to the above-referenced Docket Number:

Surface Transportation Board
Section of Environmental Analysis (SEA)
395 East Street, S.W., Room #100
Washington, DC 20423-0001
Telephone No.: (202) 927-6211

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within three (3) weeks.

EXHIBIT 3



March 6, 2013
Page 2

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. UP's representative in this matter is Mack H. Shumate, Jr., who may be contacted by telephone at (312) 777-2055 or by mail at 101 North Wacker Drive, Room 1920, Chicago, IL 60606.

Yours very truly,

A handwritten signature in black ink that reads "Mack H. Shumate, Jr." in a cursive style.

Mack H. Shumate, Jr.
Senior General Attorney

Attachment

AB-33 (Sub-No. 283X)2013_03_06 STB-EHR Agency Ltr CORRECTED.doc

Docket No. AB-33 (Sub-No. 283X)

SERVICE LIST

State Clearinghouse (or alternate):

Carolyn Wright
Utah State Clearinghouse
Governor's Office of Planning and Budget
State Capitol, Room 116
Salt Lake City, UT 84114

State Environmental Protection Agency:

Utah Department of Environmental Quality
168 North 1950 West
P.O. Box 144810
Salt Lake City, UT 84114-4810

State Coastal Zone Management Agency

(if applicable):

Not Applicable.

Head of each County:

Iron County Supervisor
68 S. 100 E
Parowan, UT 84761

Environmental Protection Agency

(Regional Office):

U.S. Environmental Protection Agency
Region 8
1595 Wynkoop St.
Denver, CO 80202-1129

National Geodetic Survey:

National Geodetic Survey
SSMC-3 #9209
NOAA N/NGS2
1315 E-W Highway
Silver Springs, MD 20910-3282

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 6
134 Union Blvd.
Lakewood, Colorado 80228

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814

Head of City:

Gerald R. Sherratt, Mayor
10 N. Main St.
Cedar City, Utah 84720

National Park Service:

National Park Service
Intermountain Regional Office
12795 Alameda Parkway
Denver, CO 80225-0287

U.S. Natural Resources Conservation Service:

Wallace F. Bennett Federal Building
Attn: Sylvia Gillen
125 South State Street, Room 4402
Salt Lake City, UT 84138-1100

State Historic Preservation Office:

Utah Department of Historic Preservation
300 S. Rio Grande Street
Salt Lake City, UT 84101

AB-33 (Sub-No. 283X)\Service List.doc



