

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

P 402 544 4735
jmberman@up.com

Jeremy M. Berman

ENTERED
Office of Proceedings
General Attorney May 27, 2016
Part of
Public Record

May 27, 2016

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

**RE: Proposed Discontinuance of Trackage Rights in Pierce County, Washington
STB Docket No. AB-33 (Sub-No. 331)**

Dear Ms. Brown:

Pursuant to the Board's exemption procedures for discontinuance of trackage rights under 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. 331X). Enclosed is a credit authorization voucher in the amount of \$3,900.00 for the filing fee.

Sincerely,


Jeremy M. Berman

FEE RECEIVED
May 27, 2016
SURFACE
TRANSPORTATION BOARD

FILED
May 27, 2016
SURFACE
TRANSPORTATION BOARD



BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 331X)
UNION PACIFIC RAILROAD COMPANY
--DISCONTINUANCE OF TRACKAGE RIGHTS EXEMPTION--
IN PIERCE COUNTY, WA

Verified Notice of Exemption

UNION PACIFIC RAILROAD COMPANY
Jeremy M. Berman
General Attorney
1400 Douglas St, #1580
Omaha, NE 68179
402-544-4735 (Tel.)
402-501-0129 (FAX)
jmberman@up.com

Dated: May 27, 2016

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**Docket No. AB-33 (Sub-No. 331X)
UNION PACIFIC RAILROAD COMPANY
--DISCONTINUANCE OF TRACKAGE RIGHTS EXEMPTION--
IN PIERCE COUNTY, WA**

Notice of Exemption

Union Pacific Railroad Company ("UP") submits this verified Notice of Exemption pursuant to 49 C.F.R. Part 1152, Subpart F -- Exempt Abandonments and Discontinuances of Service and Trackage Rights for an exempt discontinuance of trackage rights over a line of railroad owned by BNSF Railway Company ("BNSF") from near BNSF's Puyalloy Bridge 8.78 to BNSF Milepost 38.94X, a total distance of 0.6 miles in Pierce County, Washington (the "Trackage Rights").

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 will be consummated on or after July 16, 2016 (at least 50 days after filing the Notice of Exemption).

Certification: 49 C.F.R. 1152.50(b)

UP certifies that no local traffic has moved under the Trackage Rights for at least two years. All overhead traffic will be rerouted over other UP lines. UP further certifies that no formal complaint filed by a user of rail service on the Trackage Rights (or filed by a state or local governmental entity acting on behalf of such user) regarding cessation

of service over the Trackage Rights 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 trackage rights over a line of railroad owned by BNSF from near BNSF's Puyalloy Bridge 8.78 to BNSF Milepost 38.94X, a total distance of 0.6 miles in Pierce County, Washington. Union Pacific obtained these trackage rights under an agreement with BNSF which the STB authorized in *Union Pac. R.R. Co.—Trackage Rights Exemption—BNSF Rwy. Co.*, FD 34881 (STB served June 20, 2006). BNSF terminated the trackage rights agreement effective May 30, 2016.

(a)(4) A map showing the location of the Trackage Rights 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
General Attorney
1400 Douglas St, #1580
Omaha, NE 68179
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(a)(8) ZIP Codes. The Trackage Rights traverse U.S. Postal Service Zip Codes 98421.

(e)(4) Rural and Community Impact.

Because this Notice of Exemption involves discontinuance of overhead trackage rights, and not the abandonment of a line of railroad, public use conditions are not available. See, e.g., *Union Pac. R.R. Co.—Discontinuance of Trackage Rights Exemption—in Alameda County, CA*, STB Docket No. AB-33 (Sub-No. 291X) (served April 8, 2010), slip op. at 2 n.4.

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) and 1105.12.

Environmental and Historic Report

Because this Notice of Exemption involves discontinuance of overhead trackage rights, and not the abandonment of a line of railroad, preparation of an Environmental Report and Historic Report is not required. See, e.g., *Union Pac. R.R. Co.—Discontinuance of Trackage Rights Exemption—in Alameda County, CA*, STB Docket No. AB-33 (Sub-No. 291X) (served April 8, 2010), slip op. at 2 n.4.

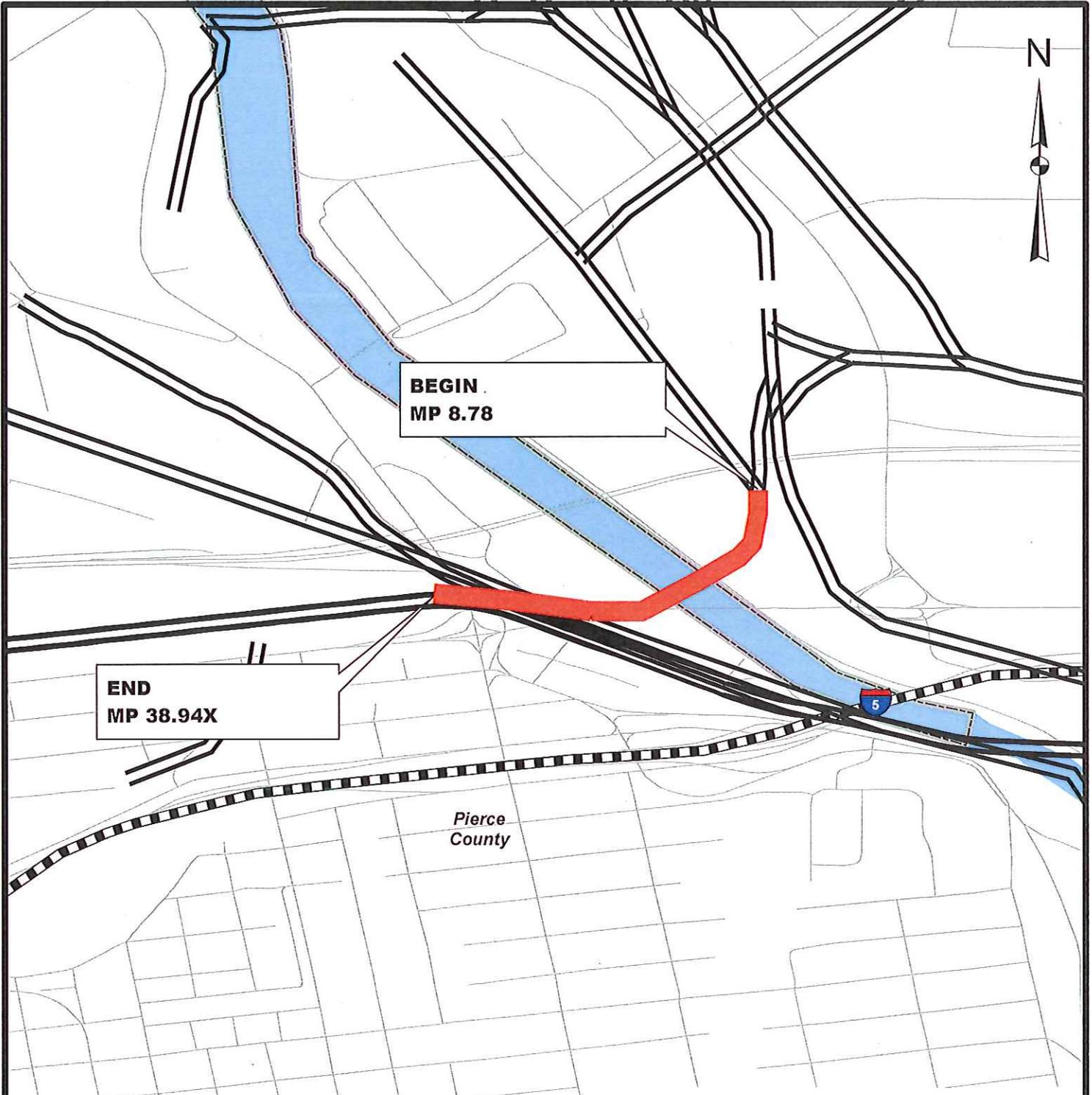
Dated this 27th day of May, 2016.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



Jeremy M. Berman
General Attorney
1400 Douglas St, #1580
Omaha, NE 68179
402-544-4735 (Tel.)
402-501-0129 (FAX)
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Legend

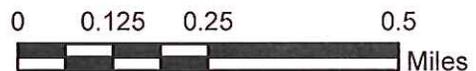
-  DISCONTINUANCE
-  OTHER TRACKS
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

BULLFROG JCT. TO RIVER STREET

BNSF RAILWAY COMPANY
MP 8.78 TO MP 38.94X
TOTAL OF 0.6 MILES IN PIERCE COUNTY
IN WASHINGTON

**BNSF RAILWAY COMPANY
TACOMA
WASHINGTON**

No Structures 50 Years or Older



DOCKET NO. AB-33 (SUB-NO. 331X)

UNION PACIFIC RAILROAD COMPANY
--DISCONTINUANCE OF TRACKAGE RIGHTS EXEMPTION--
IN PIERCE COUNTY, WA

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) – Notice

The undersigned certifies that on May 17, 2016 (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 these trackage rights in Pierce County, Washington in Docket No. AB-33 (Sub-No. 331X). Said written notice (a copy of which is attached hereto as **Attachment 1**) was served on the following:

Washington Utilities and Transportation
Commission
P.O. Box 47250
Olympia, WA 98504-7250

National Park Service
Pacific West Regional Office
333 Bush Street, Suite 500
San Francisco, CA 94104-2828

U.S. Dept. of Agriculture
Chief of the Forest Service
1400 Independence Ave., SW
Washington, D.C.
20250-1111

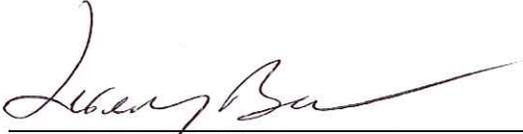
Headquarters
Military Surface Deployment and
Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA
Railroads for National Defense
Program
1 Soldier Way, Building 1900W
Scott AFB, IL 62225-5006

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

The undersigned further certifies that a “Notice of Intent to Discontinue Trackage Rights” was published in the form prescribed by the Board for a Notice of Exemption. UP has not yet received an affidavit of publication for the notice but will submit the affidavit to the STB upon receipt. The Notice was published one time in a major newspaper in the county in which the Trackage Rights is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Pierce	The News Tribune	May 25, 2016

Dated this 27th day of May, 2016



Jeremy M. Berman

UNION PACIFIC RAILROAD
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Omaha, Nebraska 68179

P 402 544 4735
jmberman@up.com

Attachment 1

Jeremy M. Berman

General Attorney

May 17, 2016

Washington Utilities and Transportation
Commission
P.O. Box 47250
Olympia, WA 98504-7250

U.S. Dept. of Agriculture
Chief of the Forest Service
1400 Independence Ave., SW
Washington, D.C.
20250-1111

National Park Service
Pacific West Regional Office
333 Bush Street, Suite 500
San Francisco, CA 94104-2828

Headquarters
Military Surface Deployment and Distribution
Command
Transportation Engineering Agency
ATTN: SDTE-SA
Railroads for National Defense Program
1 Soldier Way, Building 1900W
Scott AFB, IL 62225-5006

**RE: Proposed Discontinuance of Trackage Rights in Pierce County, Washington
STB Docket No. AB-33 (Sub-No. 331X)**

Dear Sir or Madam:

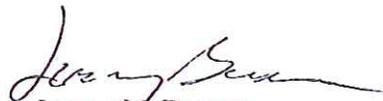
Please be advised that Union Pacific Railroad Company ("UP") expects to file with the United States Surface Transportation Board ("STB"), on or after May 27, 2016, a notice of an exempt discontinuance of UP's trackage rights over a line or railroad owned by BNSF Railway Company ("BNSF"), extending from near BNSF's Puyalloy Bridge 8.78 to BNSF Milepost 38.94X in Tacoma, Pierce County, Washington, a total distance of 0.6 miles. The Line traverses U.S. Postal Service zip code 98421.

The "no business" exemption procedure will be used to abandon the Line, pursuant to the STB's regulations at 49 C.F.R. §1152.50. No local traffic has moved over the Line using these trackage rights for at least two years and all UP overhead trackage rights traffic on the Line will be rerouted. A Notice of Exemption to discontinue trackage rights 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 May 27, 2016.

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.

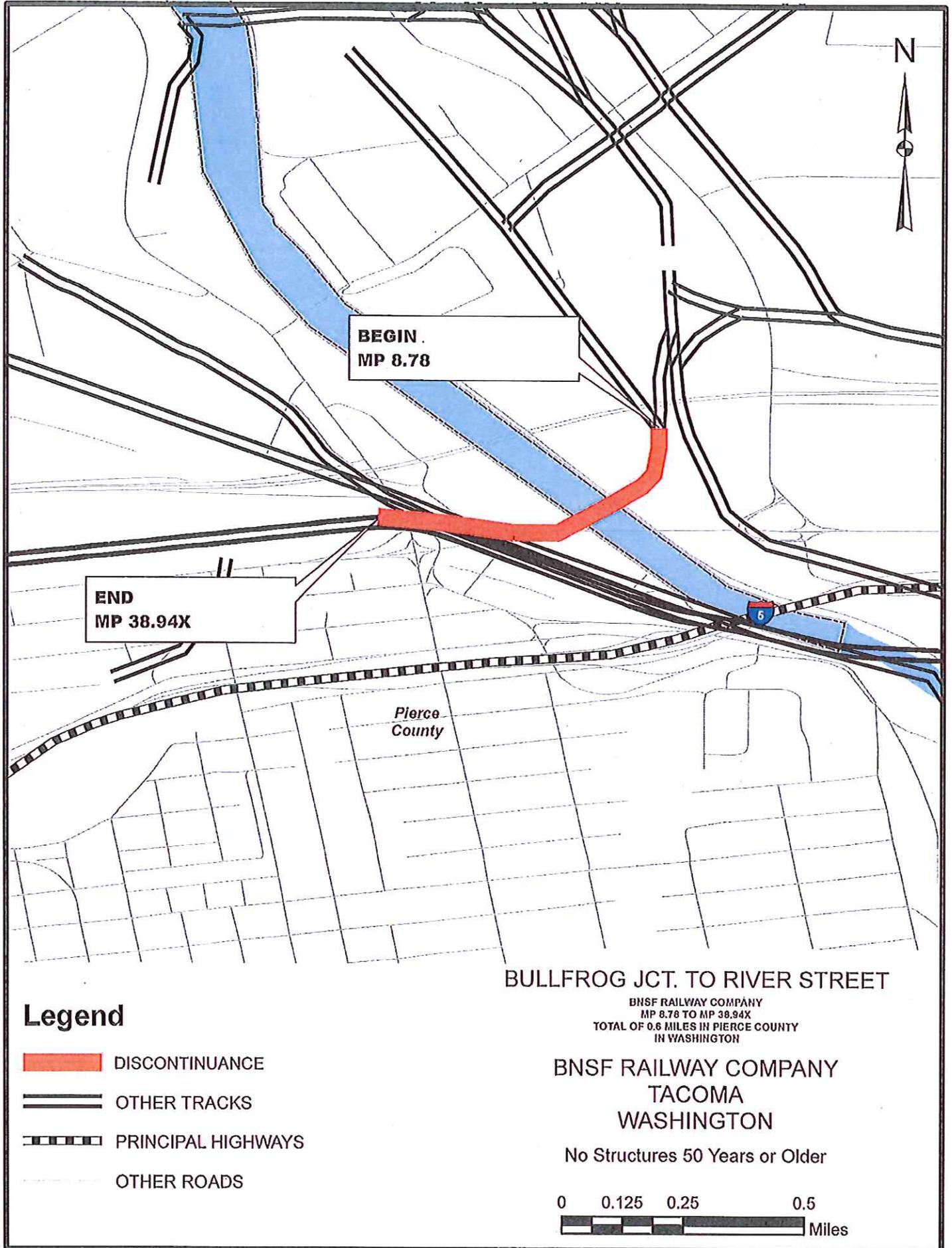
A map showing the segment of Line to be abandoned is attached for your information.

Sincerely,


Jeremy M. Berman

Attachment





**BEGIN.
MP 8.78**

**END
MP 38.94X**

*Pierce
County*

BULLFROG JCT. TO RIVER STREET

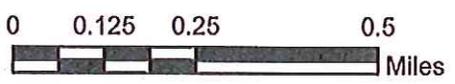
**BNSF RAILWAY COMPANY
MP 8.78 TO MP 38.94X
TOTAL OF 0.6 MILES IN PIERCE COUNTY
IN WASHINGTON**

**BNSF RAILWAY COMPANY
TACOMA
WASHINGTON**

No Structures 50 Years or Older

Legend

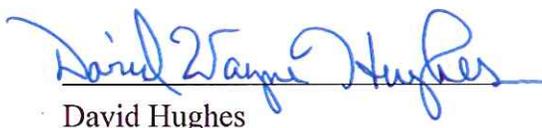
-  DISCONTINUANCE
-  OTHER TRACKS
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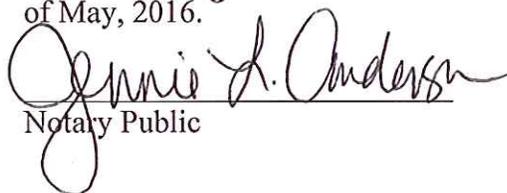
VERIFICATION

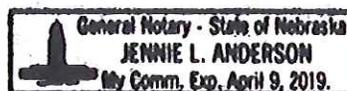
I, David Hughes, General Manager Joint Facilities and Contracts for Union Pacific Railroad Company, under penalty of perjury, declare and verify that I am authorized to make this verification and I have read the foregoing Notice of Exemption, know the facts stated therein, and believe that said facts are true as stated to the best of my knowledge, information and belief.

Dated: May 27, 2016


David Hughes

SUBSCRIBED AND SWORN TO
before me this 27th
of May, 2016.


Notary Public



My Commission expires: