

Law Department

UNION PACIFIC RAILROAD COMPANY



205242

1416 DODGE STREET
ROOM 830
OMAHA, NEBRASKA 68179-0001
FAX (402) 271-5610

April 22, 2002



Via UPS Next Day Air

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

RE: Docket No. AB-33 (Sub-No. 162X), Union Pacific Railroad Company –
Abandonment – In Bexar County, TX

Dear Mr. Williams:

This is in response to a letter to the Board dated April 8, 2002, from Mr. Michael Idrogo, the "Chairman" of an organization calling itself "Texas Electric Rail Lines, Inc.," which is apparently a railfan group.¹ The letter purports to be an "offer of financial assistance; or preferably an offer to conduct subsidized operations over the line of abandonment, in the above styled abandonment." Mr. Idrogo proposes to use the last 4 miles of the line for "a self-propelled passenger rail service."

Although Mr. Idrogo's letter directly concerns UP (and, in fact, charges UP and other entities with "corruption"), Mr. Idrogo did not have the courtesy to send a copy of his letter to UP. We only learned of the letter when it appeared on the Board's website this morning.

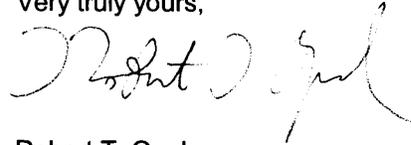
Mr. Idrogo's letter, to the extent it purports to be an OFA, should be summarily rejected. In the first place, the letter does even not come close to complying with the Board's OFA rules. It is well over a year late (the decision authorizing abandonment was served November 24, 2000), does not set forth any specific offer, and does not make any demonstration of financial responsibility.

¹ The name of the group appears to be derived from the old Texas Electric Railway, an interurban electric railroad in Texas that was abandoned shortly after World War II, see Texas Electric Railway Co., Abandonment, 271 I.C.C. 391 (1948). Since the Texas Electric outlasted most of the interurban railroad industry, it has attracted a good deal of attention from the railfan community.

Second, and more important, this abandonment has been fully consummated. Attached hereto is a copy of UP's notice of consummation dated July 20, 2001. Thus, the Board no longer has jurisdiction to entertain an OFA for this line, see Consolidated Rail Corporation v. Surface Transportation Board, 93 F.3d 793 (D.C. Cir., 1996).

An additional ten (10) copies of this letter are attached for the Board's files.

Very truly yours,



Robert T. Opal
General Commerce Counsel
Phone: (402) 271-3072
Fax: (402) 271-5610

cc: Mr. Michael Idrogo
Chairman
Texas Electric Lines, Inc.
317 Rosewood Avenue
San Antonio, TX 78212

Att.

Law Department

UNION PACIFIC RAILROAD COMPANY

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Mack H. Shumate, Jr., Esq.
Senior General Attorney
(312) 853-8455
(312) 853-8465 (FAX)

July 20, 2001

VIA UPS MONDAY DELIVERY

Surface Transportation Board
Section of Environmental Analysis
1925 K Street, N.W., Room 504
Washington, D.C. 20423-0001

Attention: Victoria Rutson

**RE: Docket No. AB-33 (Sub-No. 162X), Union Pacific Railroad Company –
Abandonment Exemption**

**Docket No. AB-576 (Sub-No. 1X) – Alamo Gulf Coast Railroad
Company – Discontinuance Exemption**

In Bexar County, Texas

NOTICE OF CONSUMMATION
(49 C.F.R. §1152.29(e)(2))

Dear Ms. Rutson:

Enclosed is a memorandum dated July 12, 2001, recently received by Union Pacific from Texas Parks and Wild Life Department responding to a Union Pacific inquiry regarding salvage of the Line in the above-referenced case. We believe this memorandum satisfies the requirements of a condition imposed by the Board in its Decision served December 22, 2000, requiring Union Pacific to consult with Texas Parks and Wild Life prior to conducting abandonment activities. This memo indicates that the information provided by Mr. Ghazai of our Engineering Department is satisfactory to Texas Parks and Wild Life Department provided that UP contain the salvage work to the existing right-of-way. That, of course, is our intent. We will also have our contractor contact Texas Parks and Wild Life regarding removal of material from any stream bed.

Also enclosed is a letter dated July 18, 2001, from the Infrastructure Services Department, Public Works Division, of Bexar County, Texas. This letter addresses the condition imposed by the Board in its December 22, 2000 Decision requiring Union Pacific to consult with the Public Works Division prior to conducting abandonment activities. In the letter, Public Works indicates that Bexar County is agreeable to Union Pacific abandoning and removing the railroad track of the Kerrville Branch. Bexar County's concern involved the public roads that crossed the railroad tracks and they have been assured that salvage activities will not impair the use of those public roads.

Notice of Consummation

Therefore, since we believe that the two consultation conditions referred to above have now been satisfied, this is to advise the Board that as of this date, Alamo Gulf Coast Railroad Company has discontinued service on this Line from Milepost 256.0 to Milepost 257.0, and Union Pacific has fully abandoned the Line between Milepost 256.0 to Milepost 259.49, all as authorized in this case. This Notice is provided in compliance with 49 C.F.R. § 1152.29(e)(2). Ten (10) additional copies of this letter are enclosed for the Board's use and distribution.

Sincerely yours,

Mack H. Shumate, Jr.
Mack H. Shumate, Jr. *9-02*

MHS/mls
Enclosures

cc: Richard A. Allen, Esq.
Zukert, Scoutt, Rasenberger, LLP
888 17th Street, N.W., Suite 700
Washington, D.C. 20076

Rail Services Update
Danial J. Minkus, Publisher
6343 Merritt Ridge
Madison, WI 53718-3118



TEXAS PARKS AND WILDLIFE DEPARTMENT
4200 Smith School Road • Austin, Texas 78744 • (512) 389-4800
WILDLIFE DIVISION FAX

LAW DEPT
JUL 18 2001
REC'D WERR

Date: July 12, 2001 **Pages:** 9- including cover
To: Abdollah Ghazi
Company: Union Pacific Railroad
Fax #: 402-280-7299 **Voice #:** 402-280-6287
From: Kathy Boydston
Title: Program Leader, Wildlife Habitat Assessment
Fax #: 512-389-4599 **Voice #:** 512-389-4638

This fax is in regards to information provided by your office on June 25, 2001. That information pertains to the Union Pacific Abandonment of the Kerville Branch near Leon Springs in Bexar County.

Texas Parks and Wildlife prepared a letter to the Surface Transportation Board in Washington D.C., dated February 5th, 2001, regarding this project. In response to that letter, you provided follow up information on June 25th. The information provided on June 25th was to clarify issues raised in the February 25th letter.

The most current information provided by you indicated the removal work will be contained within the existing right-of-way. Containing the work within the right-of-way should alleviate any concerns regarding impacts to endangered species habitat that is on either side of the existing tracks.

Your information also indicated that the Contractor will contact Parks and Wildlife regarding removal of material from the stream bed prior to construction. Please contact Rollin MacRae at (512) 389-4639 for further information on this issue.

If the general abandonment procedures and guidelines listed are followed, there should be minimal impacts to fish and wildlife resources.

If you have any questions or comments regarding this fax or if you need further correspondence from our agency, please do not hesitate to call me.

Kathy Boydston



INFRASTRUCTURE SERVICES DEPARTMENT
PUBLIC WORKS DIVISION
233 N. Pecos, Suite 420
San Antonio, Texas 78207
(210) 270-6700 • Fax (210) 270-6713

July 18, 2001

Mr. Abdollah (Abe) Ghazai
Track Planning Engineer
Union Pacific Railroad Company

RE: Docket No. AB-33 (Sub No. 162X), Union Pacific Railroad Company - Abandonment Exemption; and Docket No. AB-576 (Sub No. IX), Alamo Gulf Coast Railroad Company - Discontinuance Exemption

Dear Mr. Ghazai:

Bexar County is agreeable to Union Pacific Railroad abandoning and removing a portion of railroad track known as Kerville Branch approximately 3.5 miles long, in Bexar County, Texas that lies parallel to IH-10 near Leon Springs to Camp Stanley.

We received a letter from Mr. Dan Leis, Manager of Real Estate for Union Pacific Railroad by fax this afternoon. He assured us that use of public roads that cross that portion of the railroad will not be impaired.

I apologize for the delay in granting this agreement. Thank you for your patience in the matter. If I can be of assistance in the future, please do not hesitate to call me at (210) 335-3807.

Sincerely,

Delores M. Sims
Right-of-Way Specialist