

206592

**UNION PACIFIC RAILROAD COMPANY**

LAW DEPARTMENT  
101 NORTH WACKER DRIVE, SUITE 1920  
CHICAGO, ILLINOIS 60606  
FAX NO. 312-777-2065

212

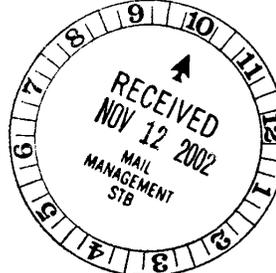
RONALD J. CUCHNA  
GENERAL SOLICITOR  
312-777-2040



GEORGE H. BRANT  
312-777-2051  
MACK H. SHUMATE, JR.  
312-777-2055  
DANIEL R. LA FAVE  
312-777-2046  
LINDA J. COYLE  
312-777-2058  
THOMAS W. CUSHING  
312-777-2053  
FREDERICK P. JOHNSTON, JR.  
312-777-2047

November 8, 2002

DID# 0102069003



VIA U.P.S. OVERNIGHT DELIVERY

Mr. Vernon Williams, Secretary  
Surface Transportation Board  
Section of Environmental Analysis  
1925 "K" St., N.W., Room 504  
Washington, DC 20423-0001

**RE: Proposed Abandonment of a Portion of the Provo Industrial  
Lead from M.P. 772.00 near Cutler to M.P. 775.23 near Mount,  
a distance of 3.23 miles in Salt Lake and Utah Counties,  
Utah; STB Docket No. AB-33 (Sub-No. 192X)**

Dear Mr. Williams:

Pursuant to the Board's exemption procedures for abandonment of rail lines with no local business for at least two years, (49 C.F.R. 1152.50), enclosed are an original and ten (10) copies of a verified Notice of Exemption, including a Certificate of Service and Publication.

Please file the Notice of Exemption in Docket No. AB-33 (Sub-No. 192X). Enclosed is a check for \$2,700.00 for the filing fee. Three (3) computer disks, in WordPerfect format, are included for the Board's use.

Sincerely yours,

Mack H. Shumate, Jr.  
Senior General Attorney

**FILED**

NOV 12 2002

SURFACE  
TRANSPORTATION BOARD

**FEE RECEIVED**

NOV 12 2002

SURFACE  
TRANSPORTATION BOARD

Enclosures

ENTERED  
Office of Proceedings

NOV 12 2002

Part of  
Public Record

O:\ABANDONMENT\33-192X\STBNOE2.wpd

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Before the  
SURFACE TRANSPORTATION BOARD



Docket No. AB-33 (Sub-No. 192X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN SALT LAKE AND UTAH COUNTIES  
(A PORTION OF THE PROVO INDUSTRIAL LEAD)

**NOTICE OF EXEMPTION**

UNION PACIFIC RAILROAD COMPANY

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

Dated: November 8, 2002  
Filed: November 12, 2002

00002

Before the  
SURFACE TRANSPORTATION BOARD



Docket No. AB-33 (Sub-No. 192X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN SALT LAKE AND UTAH COUNTIES, UTAH  
(A PORTION OF THE PROVO INDUSTRIAL LEAD)

**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 a portion of the Provo Industrial Lead from milepost 772.00 near Cutler, Utah to milepost 775.23 near Mount, Utah, a distance of 3.23 miles in Salt Lake and Utah Counties, Utah, (the "Line").

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

The abandonment is proposed to be consummated on or after January 1, 2003 (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 over the Line for at least two years; and 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 either is pending with this Board or any U.S. District Court or

has been decided in favor of the complainant within the two-year period. The Line has not been used as an overhead route for the past two (2) years.

**Additional Information Required: 49 C.F.R. 1152.22(a)(1)-(4), (7)-(8) and (e)(4)**

(a) General.

(a)(1) The railroads' 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 Line from milepost 772.00 near Cutler, Utah to milepost 775.23 near Mount, Utah, a distance of 3.23 miles. The Line is located in Salt Lake and Utah Counties, Utah.

(a)(4) A map showing the location of the Line in conjunction with other rail lines, highways and major roads in the area is attached hereto as **Exhibit A** and hereby made a part hereof.

(a)(7) The representative to whom correspondence regarding this abandonment should be sent is:

Mack H. Shumate, Jr., Senior General Attorney  
Union Pacific Railroad Company  
101 North Wacker Drive, Room 1920  
Chicago, Illinois 60606  
(312) 777-2055  
(312) 777-2065 FAX

(a)(8) ZIP Code. The Line traverses U. S. Postal Service Zip Codes 84003 and 84020.

(e)(4) Rural and Community Impact. The Line was constructed in 1872 by the Utah Southern Railroad, ("Utah Southern"). The Line is laid primarily with

131-pound jointed rail. There appears to be no reasonable alternative to the abandonment. The physical assets of the Line, including the real property interests and track structure thereon, have been sold to the Utah Transit Authority, ("UTA"), in connection with UTA's corridor preservation project. The STB by decision in F.D. No. 34170, dated February 14, 2002, accepted the UTA's verified notice of exemption under 49 C.F.R. 1150.30 to acquire the Line. By subsequent decision by the STB in F.D. No. 34170, dated May 17, 2002, the STB granted UTA's motion to dismiss the notice of exemption, it being found by the STB that the line sale transaction, as crafted, was not subject to the jurisdiction of the STB. The UP has retained an exclusive, perpetual easement on the Line to conduct freight rail operations. Upon consummation of the abandonment, this retained easement will expire in accordance with the terms of the Line Sale Contract between UP and UTA. No local traffic has moved over the Line in the past two years, and there is no overhead traffic on the Line.

There will be no effect on regional or local transportation systems and patterns and no diversion of traffic to other transportation systems or modes. The subject Line has not been used for freight traffic for at least two years. The Line runs parallel to the UP Provo Subdivision Line, which is within one mile to the west, and the Salt Lake City Southern Railroad, which operates into Mount, Utah, at the north end of the proposed abandonment. Interstate 15 is a primary highway in close proximity to the Line. The right-of-way is suitable for continued use as a public transportation corridor, including as a highway, trail, and all forms of mass transportation. The right-of-way is also suitable for energy transmission facilities. The nature of the surrounding area varies from highly developed near Cutler, Utah, with an extensive network of public

streets and highways, to rural with limited potential for development due to geography. The rural area currently includes an interstate highway and an access road, both being parallel to the rail and right-of-way and other rural roads.

Based on information in the UP's possession, the Line proposed for abandonment does contain federally granted right-of-way. Portions of the right-of-way are subject to reversionary interests. Any documentation so related to the Line, including real estate documentation, in UP's possession regarding UP's real property interests in the Line will be made available upon request.

#### **Labor Protection**

The interests of railroad employees will be protected by the conditions discussed in Oregon Short Line Railroad Co. -- Abandonment -- Goshen, 360 ICC 91 (1979).

#### **Certifications**

Attached hereto as **Exhibit B** and hereby made a part hereof 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.

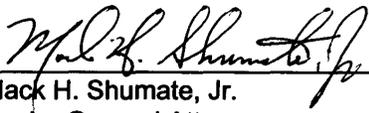
#### **Environmental and Historic Report**

A copy of the Transmittal Letter of UP's Combined Environmental and Historic report 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 hereto as **Exhibit C** and hereby made a part hereof. The original and ten (10) copies were sent to Ms. Victoria Rutson, Section of Environmental Analysis (SEA), on October 14, 2002.

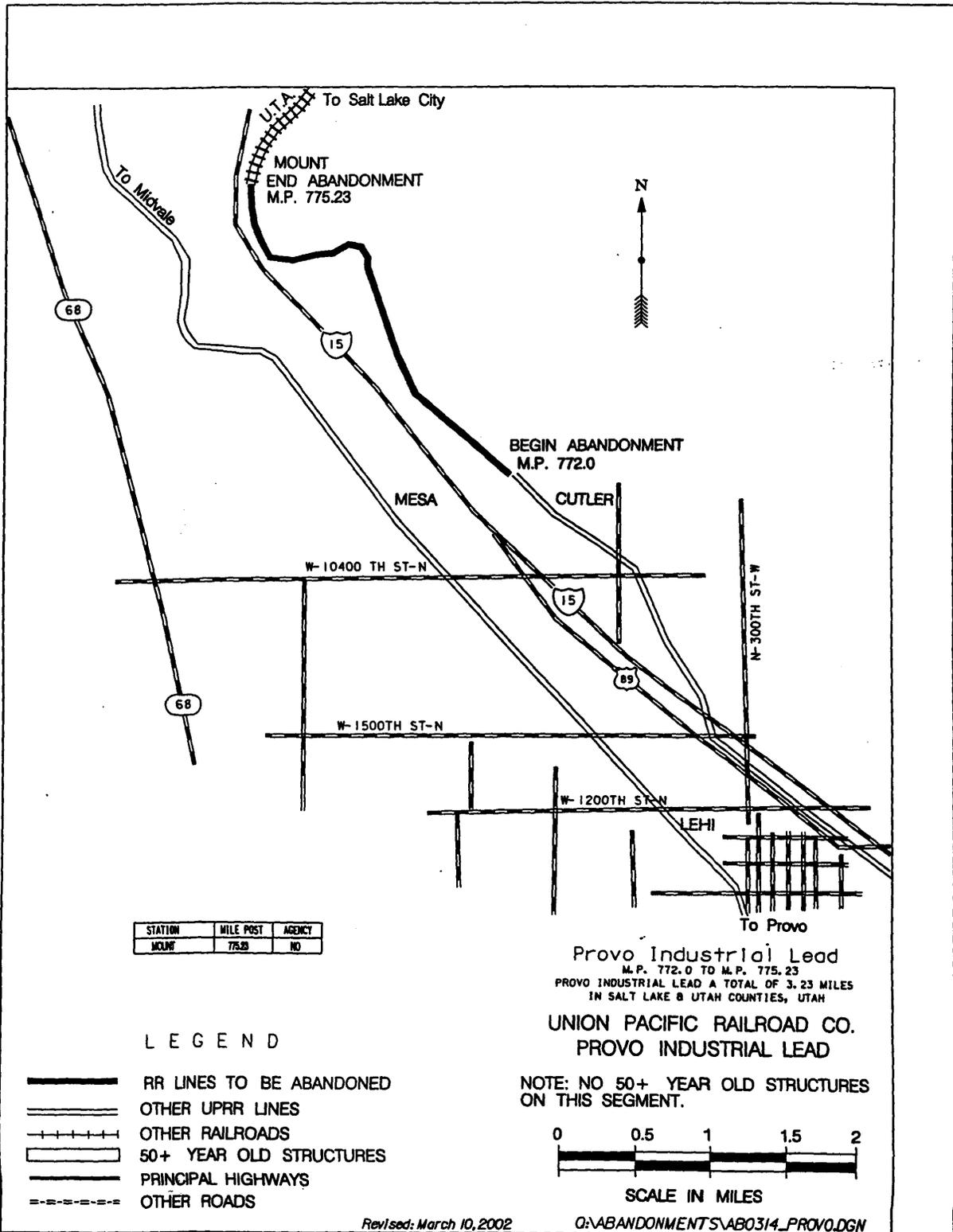
Dated this 8th day of November, 2002.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

  
\_\_\_\_\_  
Mack H. Shumate, Jr.  
Senior General Attorney





Revised: March 10, 2002

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**DOCKET NO. AB-33 (SUB-NO. 192X)**  
**Provo Industrial Lead from MP 772.0 to MP 775.23**  
**in Salt Lake and Utah Counties, UT**

**CERTIFICATE OF SERVICE AND PUBLICATION**

**49 C.F.R. § 1152.50(d)(1) - Notice**

The undersigned certifies that on October 29, 2002 (at least 10 days before a Notice of Exemption is filed), written notice was given of Union Pacific's intent to use the exemption notice procedure to abandon the Provo Industrial Lead from MP 772.0 to MP 775.23 in Salt Lake and Utah Counties, Utah in Docket No. AB-33 (Sub-No. 192X). Written notice (a copy of which is attached hereto as Attachment 1) was served on the following:

Utah State Clearinghouse  
Office of Planning and Budget  
Room 116, State Capitol  
Salt Lake City, UT 84114

National Park Service  
William D. Shaddox  
Chief, Land Resources Division  
1849 "C" St., N.W., #MS2540  
Washington, D.C. 20240

U.S. Department of Agriculture  
Chief of the Forest Service  
4th Floor NW, Auditors Bldg.  
14th Street & Independence Ave., SW  
Washington, D.C. 20250

Military Traffic Management Command  
Transportation Engineering Agency  
Attn: Railroads for National Defense  
720 Thimble Shoals Blvd., Suite 130  
Newport News, VA 23606-2574

**49 C.F.R. § 1105.11 - Transmittal Letter For Applicant's Report**

The undersigned certifies that on October 15, 2002 (at least 20 days before a Notice of Exemption is filed), a 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. 192X) for abandonment of the Provo Industrial Lead from MP 772.0 to MP 775.23 in Salt Lake and Utah Counties, Utah on the following:

- (1) State Clearinghouse (or alternate)
- (2) State Environmental Protection Agency
- (3) State Coastal Zone Management Agency
- (4) Head of each County
- (5) U.S. Environmental Protection Agency (regional office)
- (6) U.S. Fish and Wildlife Service
- (7) U.S. Army Corps of Engineers
- (8) National Park Service
- (9) U.S. Natural Resources Conservation Service
- (10) The National Geodetic Survey
- (11) State Historic Preservation Office
- (12) Other Agencies Consulted (as listed)

(The Certificate of Service attached to the Combined Environmental and Historic Report lists the names and addresses of the federal, state and local agencies served.)

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

The undersigned further certifies that a "Notice of Intent to Abandon or to Discontinue Rail Service" was published in the form prescribed by the Board for a Notice of Exemption. 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>
Salt Lake	<i>Salt Lake Tribune</i>	November 8, 2002
Utah	<i>The Provo Daily Herald</i>	November 8, 2002

Dated this 8th day of November, 2002.

  
Charles W. Saylor

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**UNION PACIFIC RAILROAD COMPANY**

LAW DEPARTMENT  
101 NORTH WACKER DRIVE, SUITE 1920  
CHICAGO, ILLINOIS 60606  
FAX NO. 312-777-2065

ATTACHMENT 1 TO  
EXHIBIT "B"  
AB-33 (Sub-No. 192X)

RONALD J. CUCHNA  
GENERAL SOLICITOR  
312-777-2040



October 29, 2002

GEORGE H. BRANT  
312-777-2051  
MACK H. SHUMATE, JR.  
312-777-2055  
DANIEL R. LA FAVE  
312-777-2048  
LINDA J. COYLE  
312-777-2056  
THOMAS W. CUSHING  
312-777-2053  
FREDERICK P. JOHNSTON, JR.  
312-777-2047

Utah State Clearinghouse  
Office of Planning and Budget  
Room 116, State Capitol  
Salt Lake City, UT 84114

Mr. William D. Shaddox  
Chief, Land Resources Division  
National Park Service  
Department of the Interior  
1849 "C" St., N.W., #MS2540  
Washington, DC 20240

U.S. Department of Agriculture  
Chief of the Forest Service  
4th Floor NW, Auditors Building  
14th St. & Independence Ave., SW  
Washington, DC 20250

Military Traffic Management Command  
Transportation Engineering Agency  
ATTN: Railroads for National Defense  
720 Thimble Shoals Blvd., Suite #130  
Newport News, VA 23606-2574

**Re: Proposed Abandonment of the Provo Industrial Lead from M.P. 772.00 near Cutler to M.P. 775.23 near Mount, a distance of 3.23 miles in Salt Lake and Utah Counties, Utah; STB Docket No. AB-33 (Sub-No. 192X)**

Dear Sirs:

This is notice that Union Pacific Railroad Company intends to abandon the Provo Industrial Lead from Milepost 772.00 near Cutler, Utah to Milepost 775.23 near Mount, Utah, a distance of 3.23 miles in the Counties of Salt Lake and Utah, Utah, (the "Line"). The Line traverses U.S. Postal Service Zip Codes 84003 and 84020. The proceeding will be docketed as No. AB-33 (Sub-No. 192X).

The "no business" exemption procedure will be used to abandon the Line, pursuant to the abandonment regulations of the

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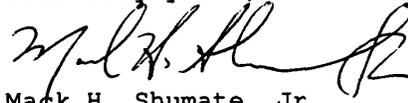
October 29, 2002  
Page 2

Surface Transportation Board at 49 C.F.R. Section 1152.50. No local traffic has moved over the Line in at least two years and there is no overhead traffic on the rail Line. A Notice of Exemption will be filed with the Surface Transportation Board on or after November 11, 2002.

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

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

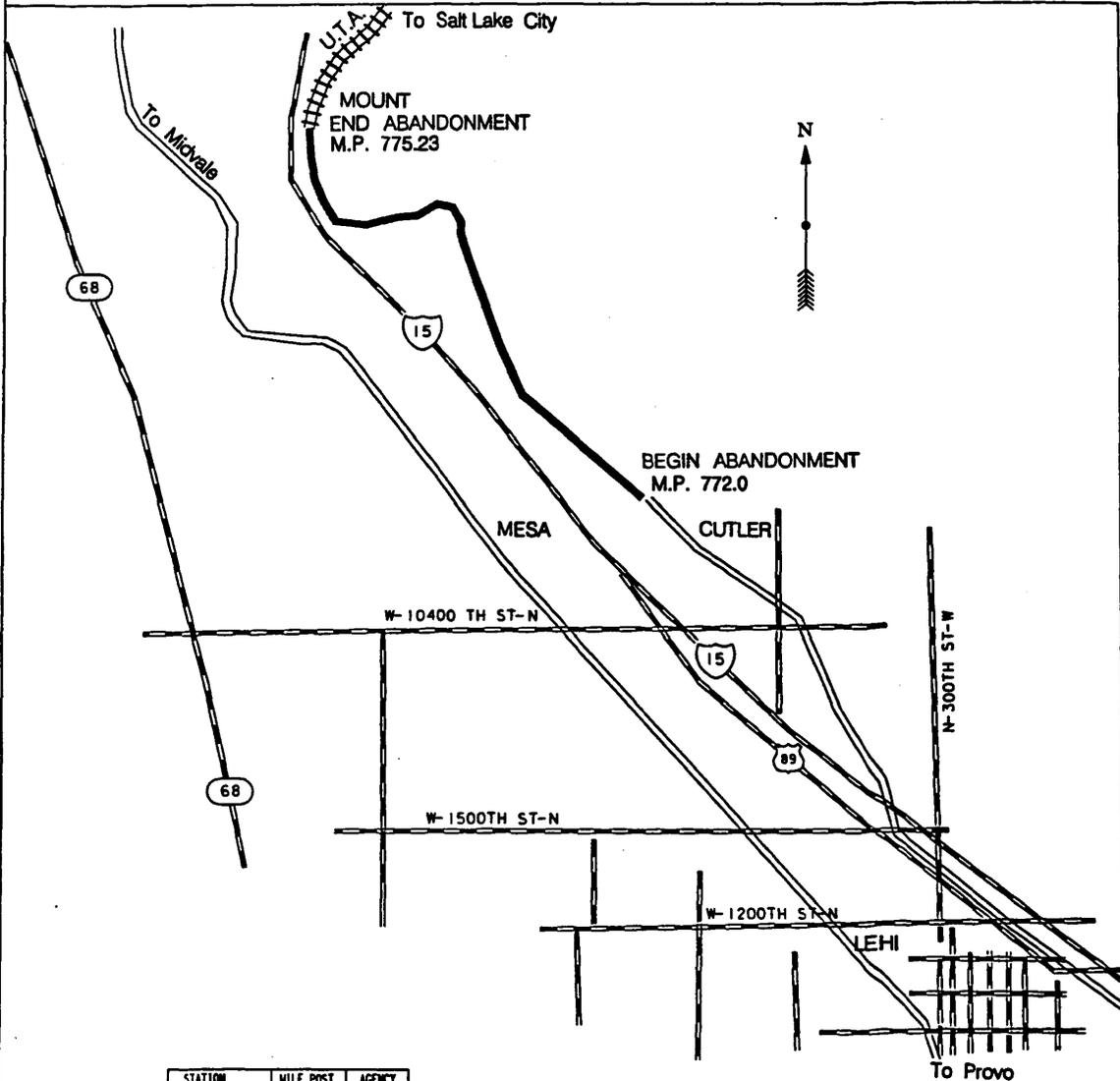
Sincerely yours,



Mack H. Shumate, Jr.  
Senior General Attorney

Attachment

bcc: Ray Allamong, R. 1110  
Norm Siler, R. 930  
Lynda Prucha, R. 810  
Robert Andersen, R. WP001



STATION	MILE POST	AGENCY
MOUNT	775.23	NO

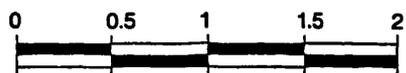
**L E G E N D**

- RR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- 50+ YEAR OLD STRUCTURES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

Provo Industrial Lead  
 M.P. 772.0 TO M.P. 775.23  
 PROVO INDUSTRIAL LEAD A TOTAL OF 3.23 MILES  
 IN SALT LAKE & UTAH COUNTIES, UTAH

UNION PACIFIC RAILROAD CO.  
 PROVO INDUSTRIAL LEAD

NOTE: NO 50+ YEAR OLD STRUCTURES  
 ON THIS SEGMENT.



SCALE IN MILES

Revised: March 10, 2002

Q:\ABANDONMENTS\AB0314\_PROVO.DGN

**UNION PACIFIC RAILROAD COMPANY**

LAW DEPARTMENT  
101 NORTH WACKER DRIVE, SUITE 1920  
CHICAGO, ILLINOIS 60606  
FAX NO. 312-777-2065

EXHIBIT "C"

RONALD J. CUCHNA  
GENERAL SOLICITOR  
312-777-2040



GEORGE H. BRANT  
312-777-2051  
MACK H. SHUMATE, JR.  
312-777-2055  
DANIEL R. LA FAVE  
312-777-2048  
LINDA J. COYLE  
312-777-2056  
THOMAS W. CUSHING  
312-777-2053  
FREDERICK P. JOHNSTON, JR.  
312-777-2047

October 14, 2002

**VIA U.P.S. OVERNIGHT DELIVERY**

Surface Transportation Board  
Section of Environmental Analysis  
1925 "K" St., N.W., Room 504  
Washington, DC 20423-0001

**ATTN: Victoria Rutson**

**RE: Docket AB-33 (Sub-No. 192X), Union Pacific Railroad Company  
Abandonment Exemption - In Salt Lake and Utah Counties, Utah  
(Provo Industrial Lead) from M.P. 772.00 near Cutler, Utah  
to M.P. 775.23 near Mount, Utah, a Distance of 3.23 Miles**

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11. Three (3) computer diskettes of the Combined Environmental and Historic Report are also enclosed.

Union Pacific Railroad Company anticipates filing a Notice of Exemption in this matter on or after November 3, 2002.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.".

Mack H. Shumate, Jr.  
Senior General Attorney

Enclosures

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CERTIFICATE OF SERVICE  
OF THE  
COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 192X), the Provo Industrial Lead in Salt Lake and Utah Counties, Utah was served by first class mail on the 14th day of October, 2002 on the following:

**State Clearinghouse (or alternate):**

Utah State Clearinghouse  
Office of Planning and Budget  
Room 116, State capitol  
Salt Lake City, UT 84114

**State Environmental Protection Agency:**

Department of Environmental Quality  
168 North 1950 West  
Salt Lake City, UT 84116

**State Coastal Zone Management Agency  
(if applicable):**

Not applicable.

**Head of County (Planning):**

Davis County Commissioners  
P.O. Box 618  
Farmington, UT 84025

Weber County Commissioners  
County Courthouse  
2380 Washington Blvd.  
Ogden, UT 84401

**Environmental Protection Agency  
(regional office):**

U.S. Environmental Protection Agency  
Region VIII  
999 18th Street, Suite 500  
Denver, CO 80202-2466

**U.S. Fish and Wildlife:**

U.S. Fish & Wildlife Service, Region 6  
Denver Federal Center  
Denver, CO 80225

**U.S. Army Corps of Engineers:**

U.S. Army Engineer District, Sacramento  
District Commander  
1325 J Street  
Sacramento, CA 95814-2922

**National Park Service:**

William D. Shaddox  
Chief, Land Resources Division  
National Park Service  
Department of the Interior  
1849 "C" St., N.W., #MS2540  
Washington, D.C. 20240

**U.S. Natural Resources Conservation  
Service:**

Natural Resource Conservation Service  
4402 Bennett Federal Building  
125 South State Street  
Salt Lake City, UT 84147

**National Geodetic Survey:**

National Geodetic Survey  
Edward J. McKay, Chief  
Spatial Reference System Division  
NOAA N/NGS2  
1315 E-W Highway  
Silver Spring, MD 20910-3282

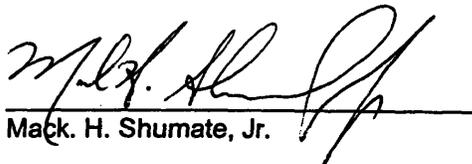
**State Historic Preservation Office:**

Utah State Historical Society  
300 Rio Grande  
Salt Lake City, UT 84101

**Other Agencies Consulted:**

None.

Dated this 14th day of October, 2002.

  
Mack. H. Shumate, Jr.

**UNION PACIFIC RAILROAD COMPANY**

LAW DEPARTMENT  
101 NORTH WACKER DRIVE, SUITE 1920  
CHICAGO, ILLINOIS 60606  
FAX NO. 312-777-2065

RONALD J. CUCHNA  
GENERAL SOLICITOR  
312-777-2040



October 14, 2002

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312-777-2053  
FREDERICK P. JOHNSTON, JR.  
312-777-2047

**State Clearinghouse (or alternate):**

Utah State Clearinghouse  
Office of Planning and Budget  
Room 116, State capitol  
Salt Lake City, UT 84114

**State Environmental Protection Agency:**

Department of Environmental Quality  
168 North 1950 West  
Salt Lake City, UT 84114

**State Coastal Zone Management Agency**

**(If applicable):**  
Not applicable.

**Head of County (Planning):**

Davis County Commissioners  
P.O. Box 618  
Farmington, UT 84025

Weber County Commissioners  
County Courthouse  
2380 Washington Blvd.  
Ogden, UT 84401

**Environmental Protection Agency**

**(regional office):**  
U.S. Environmental Protection Agency  
Region VIII  
999 18th Street, Suite 500  
Denver, CO 80202-2466

**U.S. Fish and Wildlife:**

U.S. Fish & Wildlife Service, Region 6  
Denver Federal Center  
Denver, CO 80225

**U.S. Army Corps of Engineers:**

U.S. Army Engineer District, Sacramento  
District Commander  
1325 J Street  
Sacramento, CA 95814-2922

**National Park Service:**

William D. Shaddox  
Chief, Land Resources Division  
National Park Service  
Department of the Interior  
1849 "C" St., N.W., #MS2540  
Washington, D.C. 20240

**U.S. Natural Resources Conservation Service:**

Natural Resource Conservation Service  
4402 Bennett Federal Building  
125 South State Street  
Salt Lake City, UT 84147

**National Geodetic Survey:**

National Geodetic Survey  
Edward J. McKay, Chief  
Spatial Reference System Division  
NOAA N/NGS2  
1315 E-W Highway  
Silver Spring, MD 20910-3282

**State Historic Preservation Office:**

Utah State Historical Society  
300 Rio Grande  
Salt Lake City, UT 84101

**Other Agencies Consulted:**

None.

Re: **Proposed Abandonment of the Provo Industrial Lead from M. P. 772.00 near Cutler to M. P. 775.23 near Mount, a distance of 3.23 miles in Salt Lake and Utah Counties, Utah; STB Docket No. AB-33 (Sub-No. 192x)**

Dear Sirs:

On or after November 3, 2002, we expect to be filing with the Surface Transportation Board (STB or Board) a Notice of Exemption to abandon and discontinue

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October 14, 2002  
Page 2

AB-33 (Sub-No. 192X)

operations over the Provo Industrial Lead from M.P. 772.00 near Cutler to M.P. 775.23 near Mount, a distance of 3.23 miles in Salt Lake and Utah Counties, Utah (the "Line"). The Line traverses U. S. Postal Service Zip Codes 84003 and 84020. 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.

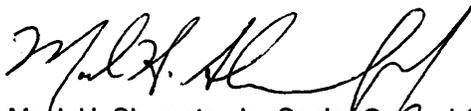
We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about 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 Numbers:

Surface Transportation Board  
Section of Environmental Analysis (SEA)  
1925 K Street, N.W., Room 504  
Washington, D.C. 20423-0001  
Telephone (202) 565-1545

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 weeks.

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 at the address and telephone number indicated below.

Sincerely yours,



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