

206597

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



DID # 010206900

November 8, 2002

GEORGE H. BRANT
312-777-2051
MACK H. SHUMATE, JR.
312-777-2055
DANIEL R. LA FAVE
312-777-2046
LINDA J. COYLE
312-777-2056
THOMAS W. CUSHING
312-777-2053
FREDERICK P. JOHNSTON, JR.
312-777-2047

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



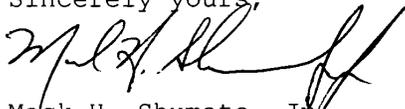
**RE: Proposed Abandonment of the Bingham Industrial Lead from
M.P. 6.60 near Bagley Spur to M.P. 11.81 near Lead Mine, a
distance of 5.21 miles in Salt Lake County, Utah; STB Docket
No. AB-33 (Sub-No. 194X)**

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. 1192.50), 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. 194X). 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

ENTERED
Office of Proceedings

NOV 12 2002

Part of
Public Record

FEE RECEIVED

NOV 12 2002

FILED

NOV 12 2002

**SURFACE
TRANSPORTATION BOARD**

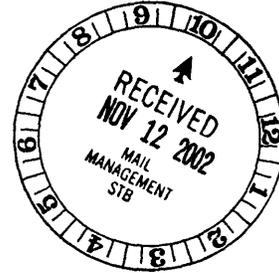
Enclosures

O:\ABANDONMENT\33-194X\STBNOE2.wpd

**SURFACE
TRANSPORTATION BOARD**

00001

Before the
SURFACE TRANSPORTATION BOARD



Docket No. AB-33 (Sub-No. 194X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN SALT LAKE COUNTY
(BINGHAM 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. 194X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN SALT LAKE COUNTY, UTAH
(BINGHAM 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 the Bingham Industrial Lead from milepost 6.60 near Bagley, Utah to milepost 11.81 near Lead Mine, Utah, a distance of 5.21 miles in Salt Lake County, 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 6.60 near Bagley Spur, Utah to milepost 11.81 near Lead Mine, Utah, a distance of 5.21 miles. The Line is located in Salt Lake County, 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 84006, 84088 and 84095.

(e)(4) Rural and Community Impact. The Line was constructed in 1873 by the Bingham Canyon and Camp Floyd Railroad, ("BCCFRR"). Line changes from

milepost 7.5 to the end of the Line were made by Denver and Rio Grande Western Railway, as successor in interest to BCCFRR in 1926 and 1965. The Line is constructed with 90-pound 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. After abandonment, the closest rail service would be provided by UP at Bagley Spur, at the beginning of the abandonment. The immediate area of the Line is served by three highways -- Route 111, a north-south route, and Routes 48 and 177, which are east-west routes that reach Interstate 15 a few miles east at Midvale, Utah. 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 surrounding area is generally rural, interspersed with small communities served by local roads parallel and generally adjacent to the Line.

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.

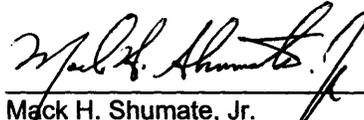
Environmental and Historic Report

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.

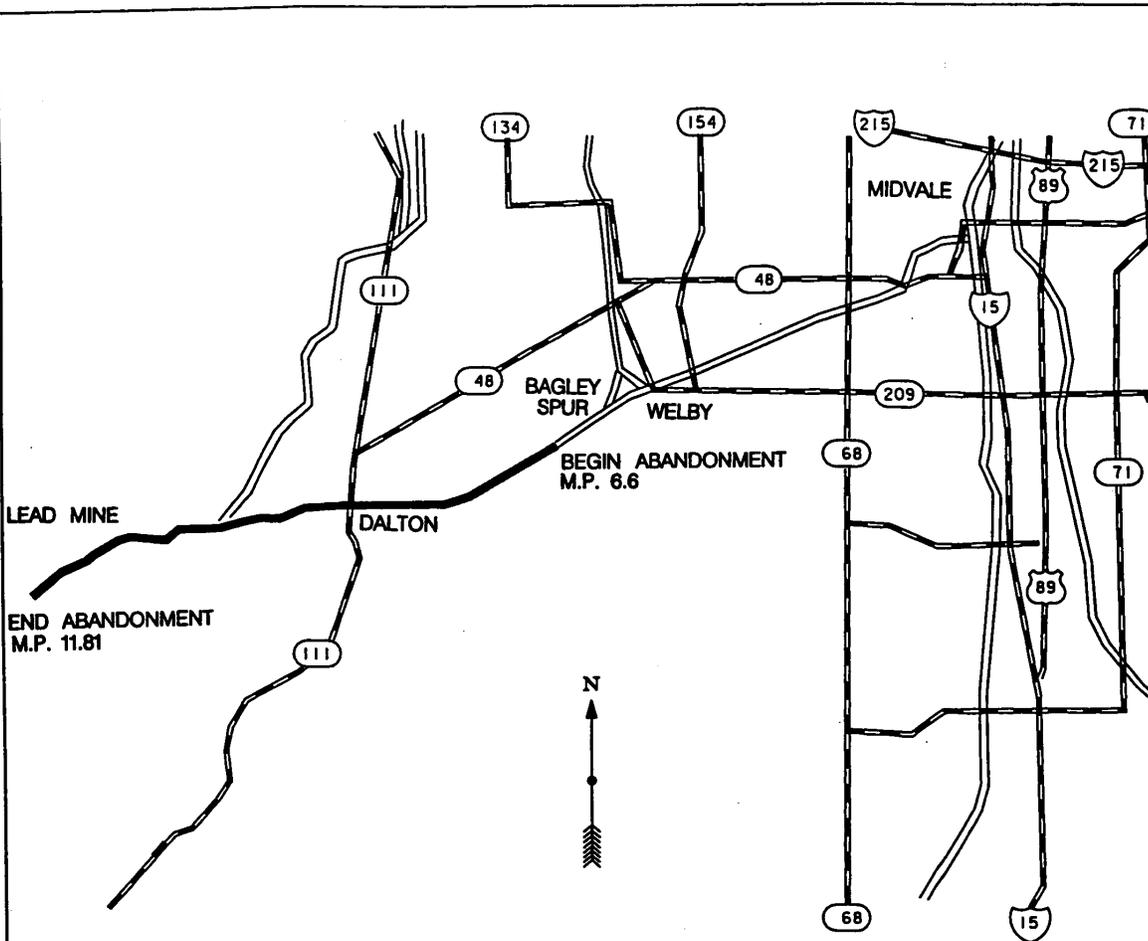
Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



Mack H. Shumate, Jr.
Senior General Attorney

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STATION	MILE POST	AGENCY
DALTON	7.00	NO
LEAD MINE	11.81	NO

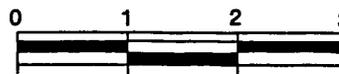
LEGEND

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

Bingham Industrial Lead
 M.P. 6.6 TO M.P. 11.81
 BINGHAM INDUSTRIAL LEAD A TOTAL OF 5.21 MILES
 IN SALT LAKE COUNTY, UTAH

UNION PACIFIC RAILROAD CO.
 BINGHAM INDUSTRIAL LEAD

NO 50+ YEAR OLD STRUCTURES
 ON THIS SEGMENT



SCALE IN MILES

Revised: March 10, 2002

Q:\ABANDONMENTS\AB0315_BINGHAM.DGN

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**DOCKET NO. AB-33 (SUB-NO. 194X)
Bingham Industrial Lead in Salt Lake County, 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 Bingham Industrial Lead in Salt Lake County, Utah in Docket No. AB-33 (Sub-No. 194X). 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. 194X) for abandonment of the Bingham Industrial Lead in Salt Lake County, 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)

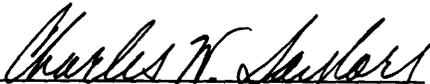
(The Certificate of Service attached to the Combined Environmental and Historic Report lists the names and addresses of the federal, state and local agencies served.)

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>The Salt Lake Tribune</i>	November 8, 2002

Dated this 8th day of November, 2002.


Charles W. Saylor

00011

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. 194X)

RONALD J. CUCHNA
GENERAL SOLICITOR
312-777-2040



October 29, 2002

GEORGE H. BRANT
312-777-2061
MACK H. SHUMATE, JR.
312-777-2055
DANIEL R. LA FAVE
312-777-2046
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 Bingham Industrial Lead from
M.P. 6.60 near Bagley Spur to M.P. 11.81 near Lead Mine, a
distance of 5.21 miles in Salt Lake County, Utah; STB Docket
No. AB-33 (Sub-No. 194X)**

Dear Sirs:

This is notice that Union Pacific Railroad Company intends to abandon the Bingham Industrial Lead from Milepost 6.60 near Bagley Spur to Milepost 11.81 near Lead Mine, a distance of 5.21 miles in Salt Lake County, Utah, (the "Line"). The Line traverses U.S. Postal Service Zip Codes 84006, 84088 and 84095. The proceeding will be docketed as No. AB-33 (Sub-No. 194X).

The "no business" exemption procedure will be used to abandon the Line, pursuant to the abandonment regulations of the Surface Transportation Board at 49 C.F.R. Section 1152.50. No

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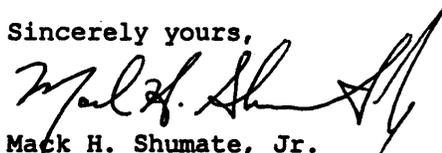
October 29, 2002
Page 2

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,



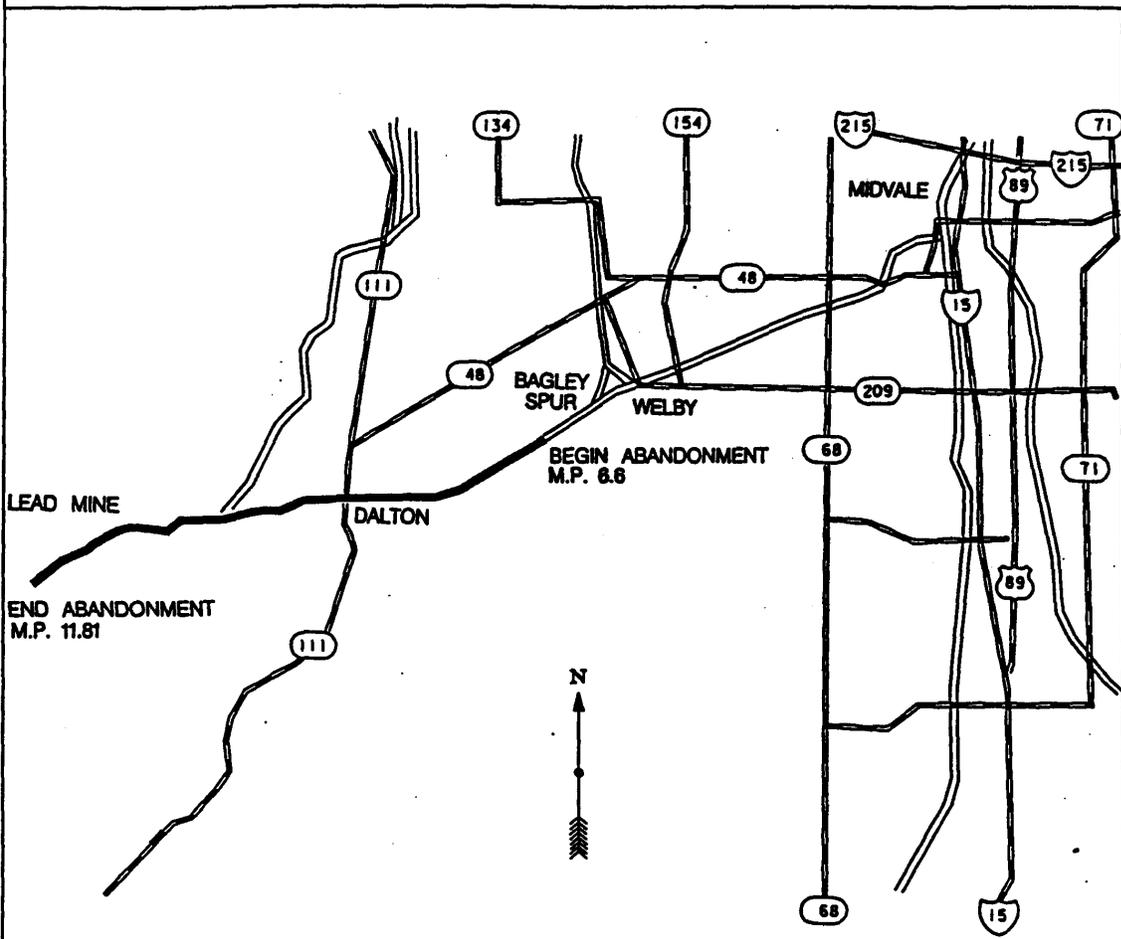
Mack H. Shumate, Jr.
Senior General Attorney

Attachment

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

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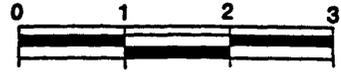
STATION	MELE POST	AGENCY
DALTON	7.88	NO
LEAD MINE	11.81	NO

LEGEND

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

Bingham Industrial Lead
 M.P. 6.6 TO M.P. 11.81
 BINGHAM INDUSTRIAL LEAD A TOTAL OF 5.21 MILES
 IN SALT LAKE COUNTY, UTAH

UNION PACIFIC RAILROAD CO.
 BINGHAM INDUSTRIAL LEAD
 NO 50+ YEAR OLD STRUCTURES
 ON THIS SEGMENT



SCALE IN MILES

Revised: March 10, 2002

Q:\ABANDONMENTS\AB0315_BINGHAM.DGN

00014

EXHIBIT "C"

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



GEORGE H. BRANT
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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. 194X), Union Pacific Railroad Company
Abandonment Exemption - In Salt Lake County, Utah (Bingham
Industrial Lead) from M.P. 6.60 near Bagley Spur, Utah to
M.P. 11.81 near Lead Mine, Utah, a Distance of 5.21 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

O:\ABANDON\33-194X\STBNOE.WPD

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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. 194X), the Bingham Industrial Lead in Salt Lake County, 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:

Division of Environmental Health
P.O. Box 16700
Salt Lake City, UT 84116-0700

State Coastal Zone Management Agency
(if applicable):

Not applicable.

Head of County (Planning):

Salt Lake County Council
County Government Center
2001 South State Street, Suite N2100
Salt Lake City, UT 84190-0001

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. 20002

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:

Division of Environmental Health
P.O. Box 16700
Salt Lake City, UT 84116-0700

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

Not applicable.

Head of County (Planning):

Salt Lake County Council
County Government Center
2001 South State Street, Suite N2100
Salt Lake City, UT 84190-0001

**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:

National Park Service
William D. Shaddox
Chief, Land Resources Division
800 North Capitol Street, NE., Room 500
Washington, D.C. 20002

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 Bingham Industrial Lead from M. P. 6.60 near Bagley Spur to M. P. 11.81 near Lead Mine, a distance of 5.21 miles in Salt Lake County, Utah; STB Docket No. AB-33 (Sub-No. 194x)**

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 operations over the Bingham Industrial Lead from M. P. 6.60 near Bagley Spur to

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October 14, 2002
Page 2

AB-33 (Sub No. 194X)

M.P. 11.81 near Lead Mine, a distance of 5.21 miles in Salt Lake County, Utah (the "Line"). The Line traverses U. S. Postal Service Zip Codes 84006, 84088, and 84095. 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.

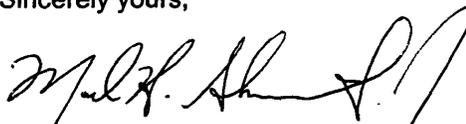
We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about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

O:\ABANDONMENTS\33-194X\ENV.WPD

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