

UNION PACIFIC RAILROAD COMPANY

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

*DI# 0102076001*

RONALD J. CUCHNA  
GENERAL SOLICITOR  
312-777-2040

**FILED**

NOV 19 2002



*206670*

**SURFACE  
TRANSPORTATION BOARD** November 18, 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 UPS NEXT DAY AIR**

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



Attention: Victoria Rutson

**RE: Docket No. Ab-33(Sub-No. 197X), Union Pacific Railroad Company  
- Abandonment Exemption - In Santa Clara County, CA (San Jose  
Industrial Lead) from M.P. 19.60 near Valbrick to M. P. 22.45 near Cahill, a  
Distance of 2.85 Miles**

Dear Ms. Rutson:

Pursuant to 49 U.S.C. §10502, Union Pacific Company submits the original and ten (10) copies of a Petition for Exemption, with Verification, to abandon the above-referenced rail line. The Certificate of Service and Publication pursuant to 49 C.F.R. §1152.60(d) and 49 C.F.R. §1105.12 is attached to the petition.

Also enclosed is a draft Federal Register notice pursuant to 49 C.F.R. §1152.60(c). Three computer diskettes containing the draft Federal Register notice, as well as the Petition for Exemption and Certificate of Service and Publication is also enclosed.

Please file the Petition for Exemption in Docket No. AB-33 (Sub-No. 197X). Enclosed is a voucher for \$4,700 for the filing fee.

Sincerely yours,

*Mack H. Shumate, Jr.*  
Mack H. Shumate, Jr.  
Senior General Attorney

ENTERED  
Office of Proceedings  
NOV 19 2002  
Part of  
Public Record

**FEE RECEIVED**

NOV 19 2002

**SURFACE  
TRANSPORTATION BOARD** 00001

Enclosures

Surface Transportation Board  
Section of Environmental Analysis  
November 18, 2002  
Page 2

cc (w/ enclosures):

MTMCTEA  
Attn: Railroads for National Defense  
720 Thimble Shoals Blvd., Suite 130  
Newport News, VA 23606-2574

U. S. Department of the Interior  
National Park Service  
Recreation Resources Assistance Div.  
P.O. Box 37127  
Washington, D.C. 20013-7127

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

Executive Director  
Public Utilities Commission of The State of California  
Attn: Tack Joe - Rail Safety  
505 Van Ness  
San Francisco, CA 94102

Rail Program Manager  
Planning Division  
California Transportation Department  
1120 N Street  
Sacramento, CA 95814

Transportation Planner  
Department of Transportation  
1120 N Street  
Sacramento, CA 95814

Surface Transportation Board  
Section of Environmental Analysis  
November 18, 2002  
Page 3

Santa Clara County Supervisors  
County Courthouse  
70 W Hedding, 10th Floor  
San Jose, CA 95110 Merced

Floor Service Supply Co.  
861 Auzerais Avenue  
San Jose, CA 95126

00003

DRAFT FEDERAL REGISTER NOTICE  
[49 C.F.R. § 1152.60(c)]

STB No. AB-33 (Sub-No. 197X)  
Notice of Petition for Exemption to Abandon or  
to Discontinue Service



On November 19, 2002, Union Pacific Railroad Company filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for the abandonment and discontinuance of service on the San Jose Industrial Lead from M.P. 19.60 near Valbrick, California to M. P. 22.45 near Cahill, California, a distance of 2.85 miles in Santa Clara County, California (the "Line"). The Line traverses U. S. Postal Service Zip Codes 95110, 95112 and 95125. The proceeding has been docketed as No. AB-33 (Sub-No.197X). There are no agency stations on the Line.

The Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected as required by 49 U.S.C. 10903(b)(2).

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment of rail service and salvage of the Line, the Line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the Federal Register.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR Part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis, telephone (202) 565-1545.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary), prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.



Before the  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-33 (Sub-No. 197X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN SANTA CLARA COUNTY, CALIFORNIA  
(SAN JOSE INDUSTRIAL LEAD NEAR VALBRICK, CA TO NEAR CAHILL, CA)

---

**FEE RECEIVED**

NOV 19 2002

**SURFACE  
TRANSPORTATION BOARD**

PETITION FOR EXEMPTION

**ENTERED**  
Office of Proceedings

NOV 19 2002

Part of  
Public Record

**FILED**

NOV 19 2002

**SURFACE  
TRANSPORTATION BOARD**

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr.  
Senior General Attorney  
101 North Wacker Drive  
Room 1920  
Chicago, IL 60606  
Tel: 312/777-2055  
Fax: 312/777-2065

Dated: November 18, 2002  
Filed: November 19, 2002

00005

Before the  
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 197X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN SANTA CLARA COUNTY, CALIFORNIA  
(SAN JOSE INDUSTRIAL LEAD NEAR VALBRICK, CA TO NEAR CAHILL, CA)

**ENTERED**  
Office of Proceedings  
NOV 19 2002  
Part of  
Public Record



**FEE RECEIVED** PETITION FOR EXEMPTION

NOV 19 2002

SURFACE  
TRANSPORTATION BOARD

I.

INTRODUCTION

**FILED**

NOV 19 2002

SURFACE  
TRANSPORTATION BOARD

Union Pacific Railroad Company ("UP") hereby petitions the Board, pursuant to 49 U.S.C. §10502, to grant an exemption from 49 U.S.C. §§10903 in order to permit abandonment of operations over the San Jose Industrial Lead from Milepost 19.60 near Valbrick, California, to Milepost 22.45 near Cahill, California, a distance of 2.85 miles in Santa Clara County, California. There are no shippers on the Line that will be adversely affected by the proposed abandonment. Floor Service Supply Company located at 861 Auzerais Avenue, San Jose, California is the only shipper to have utilized the Line in the last two (2) years. Floor Service Supply Company shipped 24 cars of lumber, STCC 2421184, totaling 1,738 tons in the year 2000; 27 cars of lumber totaling 1,913 tons in the year 2001; and 6 cars of lumber totaling 416 tons in the first half of 2002. The proposed abandonment will have no practical effect on Floor Service Supply Company, who is located at the end of the Line. Recently, a rail connection was made to the Line just south

of Floor Service Supply Company from UP's Vasona Industrial Lead, and service to Floor Service Supply Company is now provided from the Vasona Industrial Lead via this connection. After the abandonment is approved, the portion of the San Jose Industrial Lead north of the new connection will be reclassified and sold to Floor Service Supply Company, who will continue to receive rail service via the Vasona Industrial Lead. Floor Service Supply Company supports the proposed abandonment, and has provided a letter of support which is attached hereto as **Attachment No. 2** and hereby made a part hereof.

UP seeks exemption of this proposed abandonment from regulation under 49 U.S.C. §10903 in accordance with 49 U.S.C. §10502 and the Rules applicable thereto at 49 C.F.R. §1121 and 49 C.F.R. §1152 and the Special Rules at 49 C.F.R. §1152.60.

II.

PETITIONER'S BACKGROUND AND REPRESENTATIVE

UP has rail operations in the States of Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Tennessee, Texas, Utah, Washington, Wisconsin and Wyoming. UP owns and operates the Line proposed for abandonment which is located near the towns of Valbrick and Cahill in Santa Clara County, California.

The name, address and telephone number of UP's representative is listed below:

Mack H. Shumate, Jr.  
Senior General Attorney  
101 North Wacker Drive  
Room 1920  
Chicago, IL 60606  
Tel: 312/777-2055  
Fax: 312/777-2065

III.

LINE DESCRIPTIONS, ZIP CODE INFORMATION AND MAP

The proposed action involves the abandonment of the San Jose Industrial Lead from M.P. 19.60 near Valbrick to M.P. 22.45 near Cahill, a distance of 2.85 miles in Santa Clara County, California.

The portion of the San Jose Industrial Lead to be abandoned was constructed by The Western Pacific Railroad Company in 1921. The Line is primarily constructed with 115-pound rail, some of which is welded. There are also small sections of 75-pound, 90-pound, and 136-pound track material.

Based on information in UP's possession, the Line proposed for abandonment consists of right-of-way approximately 2.8 miles in length and is 100-feet in width. No known restrictions on title exist. The property involved does not include any federally granted right-of-way. The right-of-way has been offered to various public entities including public transit providers, none of which has expressed an interest in acquisition of the Line.

The Line traverses U.S. Postal Service Zip Codes 95110, 95112 and 95125.

A map of the Line is attached hereto as **Attachment 1** and hereby made a part hereof.

IV.

SHIPPER INFORMATION

The Line's only source of rail activity in the past two years has been Floor Service Supply Company at San Jose, California. Floor Service Supply Company shipped 24 cars of lumber, STCC 2421184, totaling 1,738 tons in the year 2000; 27 cars of lumber totaling 1,913 tons in the year 2001; and 6 cars of lumber totaling 416 tons in the first half of 2002. The proposed abandonment will have no practical effect on Floor Service Supply Company, who is located at the end of the Line. Recently, a rail connection was made to the Line just south of Floor Service Supply Company from UP's Vasona Industrial Lead, and service to Floor Service Supply Company is now provided from the Vasona Industrial Lead via this connection. After the abandonment is approved, the portion of the San Jose Industrial Lead north of the new connection will be reclassified and sold to Floor Service Supply Company, who will continue to receive rail service via the Vasona Industrial Lead. Floor Service Supply Company supports the proposed abandonment, and has provided a letter of support which is attached hereto as **Attachment No. 2** and hereby made a part hereof.

V.

REASONS FOR THE ABANDONMENT

There appears to be no reasonable alternative to the abandonment. There will be no adverse effect on Floor Service Supply Company, the sole shipper, as switching

service is now provided via the Vasona Industrial Lead connection from another UP rail line in the area. There have been no discussions regarding other shippers locating on the Line. UP sees no possibility of new customers locating on the Line. The area is shifting away from industrial use toward such activities as residential development. There is no overhead traffic on the Line.

The UP is of the opinion that the proposed abandonment would be beneficial to the UP and interstate commerce.

VI.

REASONABLE ALTERNATIVE: VIABILITY

There appears to be no reasonable alternative to this abandonment. The only shipper on the Line, Floor Service Supply Company, supports the abandonment; there are no known expected shippers on the Line.

VII.

THE EXEMPTION STANDARDS HAVE BEEN MET

A. The abandonment requires an exemption from 49 U.S.C. §10903.

Abandonment of rail lines requires authorization and approval of the Board pursuant to 49 U.S.C. §10903. However, 49 U.S.C. §10502 requires the Board to exempt a transaction when it finds: (1) continued regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. §10101; and (2) either the transaction is of limited scope or Board regulation is not necessary to protect shippers from an abuse of market power. UP's proposal for abandonment and discontinuance of operations clearly satisfies the standards for exemption under 49 U.S.C. §10502.

Detailed scrutiny by the Board under 49 U.S.C. §10903 is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. §10101. An exemption will minimize UP's administrative expense and the cost, preparation and review associated with progressing the proposed abandonment in a full application proceeding. An exemption will expedite regulatory action and will reduce regulatory barriers to exit from the Line consistent with Sections 10101(2) and (7). An exemption will foster sound economic conditions in the transportation industry consistent with Section 10101(5), by permitting UP's abandonment of the Line and avoiding the need to retain and operate a rail line that will not be used by any shipper.

The proposed abandonment is clearly a transaction of "limited scope." The Line is only 2.8 miles long and will have no recurring local traffic. In addition, regulation of this abandonment is not needed to protect shippers from an abuse of market power, since the only local shipper does not oppose abandonment of the Line, and in fact fully supports abandonment as part of the overall project.

VIII.

LAND AREA, FEDERAL GRANT INFORMATION, AND PUBLIC USE

The right-of-way is approximately 2.8 miles in length and 100 feet wide. The Line is located in an urban setting and adjoins a variety of uses including residential, commercial and industrial properties. In some areas the right-of-way is 10 to 15 feet above grade but is predominately at grade for most of its length.

The right-of-way has been offered to various public agencies including public transit providers. Only the City of San Jose has expressed an interest in a portion of the

Line. Otherwise, sale of the property will be to adjoining landowners and various developers in the area.

Based on information in UP's possession, the Line does not contain federally granted rights of way. Any documentation so related to the Line, including real estate documentation, in Petitioner's possession will be made available promptly to those requesting it.

IX.

LABOR

UP is agreeable to the labor protection conditions imposed in abandonment proceedings as prescribed in Oregon Short Line R. Co. - Abandonment - Goshen, 360 ICC 91 (1979).

X.

ENVIRONMENTAL AND HISTORIC REPORT.

The required environmental and historic information is contained in the Combined Environmental and Historic Report which was served on October 3, 2002. A copy of the Report is attached hereto as **Attachment 3**. The original and ten (10) copies were sent to Ms. Victoria Rutson, Section of Environmental Analysis, on October 2, 2002, for filing.

Subsequent to the filing of the combined Environmental and Historic Report no additional comment letters were received by governmental entities on the service list.

WHEREFORE, Union Pacific Railroad Company respectfully requests that the Board issue a decision exempting the proposed abandonment from the provisions of

49 U.S.C. §10903 and direct that the exemption be effective on the date of the Board's decision.

Dated this 18th day of November, 2002.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



Mack H. Shumate, Jr.  
Senior General Attorney  
101 North Wacker Drive  
Room 1920  
Chicago, IL 60606  
Tel: 312/777-2055  
Fax: 312/777-2065

CERTIFICATE OF SERVICE AND PUBLICATION

The undersigned hereby certifies that a copy of the foregoing Petition for Exemption in Docket No. AB-33 (Sub-No. 197X) by Union Pacific Railroad Company was served on the date indicated below by mailing a copy, first class mail postage prepaid to the following:

**MTMCTEA**

Attn: Railroads for National Defense  
720 Thimble Shoals Blvd., Suite 130  
Newport News, VA 23606-2574

U. S. Department of the Interior  
National Park Service  
Recreation Resources Assistance Div.  
P.O. Box 37127  
Washington, D.C. 20013-7127

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

Executive Director  
Public Utilities Commission of The State  
of California  
Attn: Tack Joe - Rail Safety  
505 Van Ness  
San Francisco, CA 94102

Rail Program Manager  
Planning Division  
California Transportation Department  
1120 N Street  
Sacramento, CA 95814

Transportation Planner  
Department of Transportation  
1120 N Street  
Sacramento, CA 95814

Santa Clara County Supervisors  
County Courthouse  
70 W Hedding, 10th Floor  
San Jose, CA 95110 Merced

Floor Service Supply Co.  
861 Auzerais Avenue  
San Jose, CA 95126

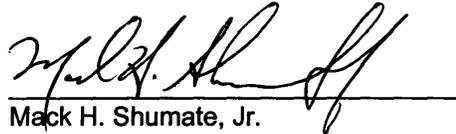
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The undersigned further certifies that a notice of the abandonment was published one time in the County where the rail line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Santa Clara	<i>San Jose Mercury News</i>	October 22, 2002

The above newspaper is generally circulated in the county where the rail line is located. The Notice as published was in the form prescribed by the Board for a Petition for Exemption at 49 CFR 1105.12.

Dated this 18th day of November, 2002.

  
Mack H. Shumate, Jr.

**VERIFICATION**

STATE OF NEBRASKA    )  
                                  ) ss:  
COUNTY OF DOUGLAS    )

I, RAYMOND E. ALLAMONG, JR., Manager Rail Line Planning of Union Pacific Railroad Company, declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing document and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of Union Pacific Railroad Company. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, I know that these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.

Dated at Omaha, Nebraska, this 25th day of October, 2002.

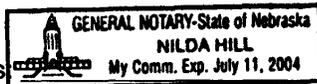
*Raymond E. Allamong, Jr.*  
Raymond E. Allamong, Jr.

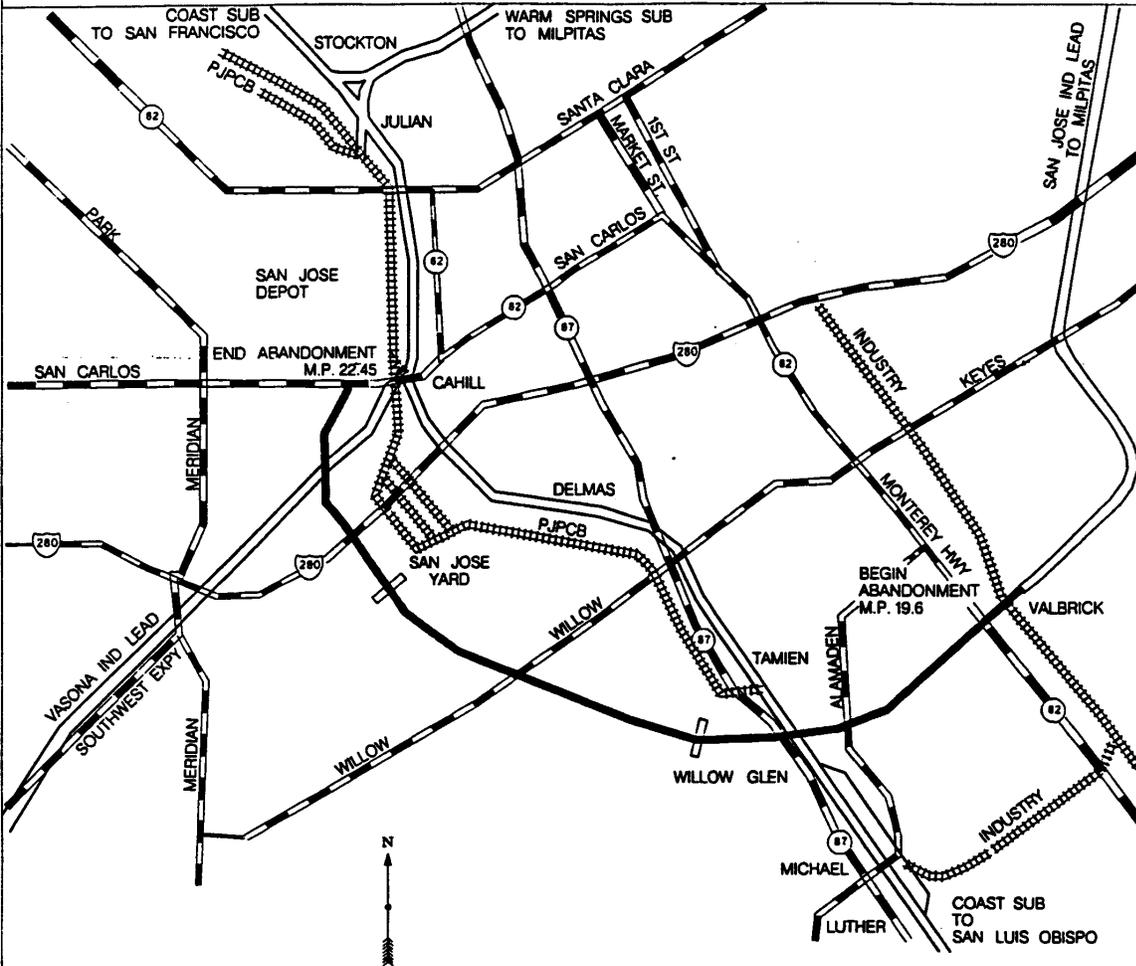
SUBSCRIBED AND SWORN TO  
before me this 25<sup>th</sup> day of  
October, 2002.

*Nilda Hill*

Notary Public

My Commission expires





BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
20.59	1 - 80' THRU PLATE GIRDER	80'	1921
21.79	14 - 15' SPAN TPTOD	210'	1950

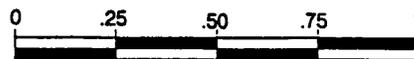
LEGEND

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

San Jose Industrial Lead  
 M.P. 19.6 TO M.P. 22.45  
 MILPITAS SUBDIVISION A TOTAL OF 2.85 MILES  
 IN SANTA CLARA COUNTY, CALIFORNIA

UNION PACIFIC RAILROAD CO.  
 SAN JOSE INDUSTRIAL LEAD

INCLUDING 50+ YEAR OLD STRUCTURES



SCALE IN MILES

**FLOOR  
SERVICE  
SUPPLY CO.**

June 19, 2002

Ray E. Allamong Jr.  
Union Pacific Railroad  
1416 Dodge Street, Room 1110  
Omaha, NE 68179

Rick Gooch, Director  
Union Pacific Railroad  
49 Stevenson Street, 15th Floor  
San Francisco, CA 94105

Re: Consent to Change Status  
SBE 843-43-(04)-4 PCL 23

Gentlemen :

We are aware of Union Pacific's petition to the United States Surface Transportation Board for exemption to abandon the end few miles of its San Jose Industrial Lead. Floor Service Supply Co. is located on the end of the Lead but now receives its rail service via a connection from UP's Vasona line that ties into the San Jose alignment near our building. Abandonment and reclassification of the Lead abreast of our facility, identified on the County Assessors Parcel Map as SBE 843-43-(04)-4 PCL 23, would permit us to purchase the segment and manage it to better suit our needs. Accordingly, Floor Service supports Union Pacific's petition. Please send me a copy of the petition when it is completed. Thank you.

Sincerely yours,



Pascal Anastasi  
Vice President

PAA/sa

**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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MACK H. SHUMATE, JR.  
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312-777-2056  
THOMAS W. CUSHING  
312-777-2053  
FREDERICK P. JOHNSTON, JR.  
312-777-2047

October 2, 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

**Attention: Victoria Rutson**

**RE: Docket No. AB-33 (Sub-No. 197X), Union Pacific Railroad  
Company - Abandonment Exemption - In Santa Clara County, CA  
(San Jose Industrial Lead) from M.P. 19.60 near Valbrick to  
M.P. 22.45 near Cahill, a Distance of 2.85 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 are also enclosed.

Union Pacific anticipates filing a Petition of Exemption in this matter on or after October 23, 2002.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", written over a horizontal line.

Mack H. Shumate, Jr.  
Senior General Attorney

Enclosures

O:\ABANDON\33-197X\STBPOE.wpd

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# 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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312-777-2055  
DANIEL R. LA FAVE  
312-777-2048  
LINDA J. COYLE  
312-777-2058  
THOMAS W. CUSHING  
312-777-2053  
FREDERICK P. JOHNSTON, JR.  
312-777-2047

October 2, 2002

**State Clearinghouse (or alternate):**

Office of Planning and Research  
1400 Tenth Street  
Sacramento, CA 95814

**State Environmental Protection**

**Agency:**  
California Environmental Protection  
Agency  
1001 I Street  
Sacramento, CA 95814

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

California Coastal Commission  
45 Fremont Street  
Suite 2000  
San Francisco, CA 94105-2219

**Head of each County:**

Santa Clara County Supervisors  
County Courthouse  
70 W Hedding, 10th Floor  
San Jose, CA 95110

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

U.S. Environmental Protection Agency  
Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

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

U.S. Fish & Wildlife Service,  
Region 1  
911 NE 11th Avenue  
Portland, OR 97232-4181

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

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

**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:**

State Conservationist  
Natural Resource Conservation  
Service  
430 G Street, #4164  
Davis, CA 95616-4164

**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:**

California Department of Parks and  
Recreation Office of Historic  
Preservation  
P. O. Box 942896  
Sacramento, CA 94296-0001

**Shipper:**

Floor Service Supply Company  
861 Auzerais Avenue  
San Jose, CA 95126

Re: Docket No. AB-33 (Sub-No. 197X), Union Pacific Railroad Company -  
Abandonment Exemption, -- In Santa Clara County, CA (San Jose  
Industrial Lead) from M.P. 19.60 near Valbrick to M.P. 22.45 near  
Cahill, a Distance of 2.85 miles

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Dear Sirs:

On or after October 23, 2002, we expect to be filing with the Surface Transportation Board (STB or Board) a Petition for Exemption seeking authority to abandon and discontinue operations over the San Jose Industrial Lead from M.P. 19.60 near Valbrick, CA to M.P. 22.45 near Cahill, CA, a distance of 2.85 miles, in Santa Clara County, California (the "Line"). The Line traverses U. S. Postal Service Zip Code 93635. 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.

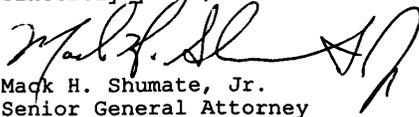
We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about 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. UP's representative in this matter is the undersigned and may be contacted at the address and telephone number indicated on this letterhead.

Sincerely yours,

  
Mack H. Shumate, Jr.  
Senior General Attorney

Before the  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-33 (Sub-No. 197X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN SANTA CLARA COUNTY, CALIFORNIA  
(SAN JOSE INDUSTRIAL LEAD)

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Combined Environmental and Historic Report

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: October 2, 2002  
Filed: October 3, 2002

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00022

Before the  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-33 (Sub-No. 197X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN SANTA CLARA COUNTY, CALIFORNIA  
(SAN JOSE INDUSTRIAL LEAD)

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Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment and discontinuance of service from M.P. 19.60 near Valbrick, California to M.P. 22.45 near Cahill, California, a distance of 2.85 miles in Santa Clara County, California (the "Line"). The Line traverses U. S. Postal Service Zip Codes 95110, 95112, and 95125.

The applicants anticipate that a Petition For Exemption to abandon the Line will be filed at the STB on or after October 23, 2002.

A map of the Line is attached as **Attachment No. 1**. UP's letter to federal, state and local government agencies is marked **Attachment No. 2**. Responses received to the letter to date are attached and sequentially numbered as indicated below.

ENVIRONMENTAL REPORT  
49 C.F.R. § 1105.7(e)

(1) **Proposed action and alternatives.** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

**Response:** The proposed action involves the abandonment and discontinuance of service over the San Jose Industrial Lead from M.P. 19.60 near Valbrick, California to M.P. 22.45 near Cahill, California, a distance of 2.85 miles in Santa Clara County, California. The sole customer on the Line is Floor Service Supply Company located at 861 Auzerais Avenue in San Jose, California. Floor Service Supply Company shipped 24 cars of lumber, STCC 2421184, totaling 1,738 tons in the year 2000; 27 cars of lumber totaling 1,913 tons in the year 2001; and 6 cars of lumber totaling 416 tons in the first half of 2002. The proposed abandonment will have no practical effect on Floor Service Supply Company, who is located at the end of the Line. Recently, a rail connection was made to the Line just south of Floor Service Supply Company from UP's Vasona Industrial Lead, and service to Floor Service Supply Company is provided from the Vasona Industrial Lead via this connection. After the abandonment is approved, the portion of the San Jose Industrial Lead north of the new connection will be reclassified and sold to the customer, who will continue to receive rail service via the Vasona Industrial Lead. Floor Service Supply Company supports the proposed abandonment, and has provided a letter of support which is attached hereto as **Attachment No. 3** and hereby made a part hereof.

There appears to be no reasonable alternative to the abandonment.

There will be no adverse effect on the sole shipper, as switching service is now provided via the Vasona Industrial Lead connection from another UP rail line in the area. There have been no discussions regarding other shippers locating on the Line. UP sees no possibility of new customers locating the Line. The area is shifting away from industrial use toward such activities as residential development. There is no overhead traffic on the Line.

The portion of the San Jose Industrial Lead to be abandoned was constructed by The Western Pacific Railroad Company in 1921. The Line is primarily constructed with 115-pound rail, some of which is welded. There are also small sections of 75-pound, 90-pound, and 136-pound track material.

Based on information in UP's possession, the Line proposed for abandonment consists of right-of-way approximately 2.8 miles in length and is 100-feet in width. No known restrictions on title exist. The property involved does not include any federally granted right-of-way. The right-of-way has been offered to various public entities including public transit providers, none of which has expressed an interest in acquisition of the Line.

A map of the Line is attached hereto as **Attachment No. 1** and hereby made a part hereof.

**(2) Transportation system.** Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

**Response:** Given the continuation of rail service to the current customer, there should be no impact on regional or local transportation systems or patterns and there will be no diversion of freight to other modes of transportation.

(3) **Land use.** (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action effects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

**Response:** (i) UP is unaware of any adverse effects on local and existing land use plans, and in fact, is consistent with such plans for local redevelopment. The Santa Clara County Board of Supervisors has been contacted. To date no response has been received.

(ii) The United States Natural Resources Conservation Service has been contacted. To date UP has received no response.

(iii) The California Coastal Commission has been contacted. To date UP has received no response.

(iv) Given the absence of any customer activity on most of the Line, abandonment will free right-of-way in the heart of San Jose, California for desirable alternate development.

(4) **Energy.** (i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) an average of 50 rail carloads per mile per year for any part of the affected Line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

**Response:** (i) There will be no effects on the transportation of energy resources.

(ii) There are no recyclable commodities moved over the Line.

(iii) There will be no increase in energy consumption from the abandonment.

(iv)(A)(B) There will be no rail-to-motor diversion of this magnitude.

(5) **Air.** (i) If the proposed action will result in either:

(A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) an increase in rail yard activity of at least 100% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in §§ (5)(i)(A) will apply.

**Response:** There is no such effect anticipated.

(5) **Air.** (ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstatement of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

**Response:** There will be no increase in rail traffic, rail yard activity, or truck traffic as a result of the proposed action.

(5) **Air.** (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

**Response:** The proposed action will not affect the transportation of ozone depleting materials.

(6) **Noise.** If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) an incremental increase in noise levels of three decibels Ldn or more or

(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

**Response:** Not applicable.

(7) **Safety.** (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

**Response:** (i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

**(8) Biological resources.** (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

**Response:** (i) The U. S. Fish and Wildlife Service has been contacted. To date UP has received no response.

(ii) UP is not aware of any wildlife sanctuaries or refuges, or of any National or State parks or forests, that will be affected by the proposed abandonment.

**(9) Water.** (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

**Response:** (i) The California Environmental Protection Agency has been contacted. To date the UP has received no response.

(ii) The U.S. Army Corps of Engineers has been contacted.

To date no response has been received.

(iii) It is not anticipated there will be any requirements for Section 402 permits.

(10) **Proposed Mitigation.** Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

**Response:** There are no known adverse environmental impacts.

**HISTORIC REPORT**  
**49 C.F.R. § 1105.8(d)**

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

**Response:** See Attachment No. 1.

(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area:

**Response:** The right-of-way is approximately 2.8 miles in length and 100 feet wide. The Line is located in an urban setting and adjoins a variety of uses including residential, commercial and industrial properties. In some areas the right-of-way is 10 to 15 feet above grade but is predominately at grade for most of its length.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

**Response:** The California Historical Preservation Office was provided with photographs of the railroad bridges at Milepost 20.59 and Milepost 21.79. A copy of the letter to the Historical Society and pictures is attached hereto as **Attachment No. 4** and hereby made a part hereof. To date UP has received no response.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known:

**Response:** The bridges and their dates of construction are listed on the map, **Attachment No. 1**, and in the letter, **Attachment No. 4**.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

**Response:** See the preceding pages for a brief history and description of carrier operations.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

**Response:** Not applicable.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

**Response:** There are no railroad structures or bridges that are 50 years old or older.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery

of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain:

**Response:** UP does not have any such readily available information.

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or group of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American):

**Response:** Not applicable.

Dated this 2<sup>nd</sup> day of October, 2002.

Respectfully submitted,



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

**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. 197X) for the San Jose Industrial Lead in Santa Clara County, California was served by first class mail on the 2nd day of October, 2002 on the following:

**State Clearinghouse (or alternate):**

Office of Planning and Research  
1400 Tenth Street  
Sacramento, CA 95814

**State Environmental Protection Agency:**

California Environmental Protection Agency  
1001 I Street  
Sacramento, CA 95814

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

California Coastal Commission  
45 Fremont Street  
Suite 2000  
San Francisco, CA 94105-2219

**Head of each County:**

Santa Clara County Supervisors  
County Courthouse  
70 W Hedding, 10th Floor  
San Jose, CA 95110

**Environmental Protection Agency**

**(regional office):**  
U.S. Environmental Protection Agency  
Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

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

U.S. Fish & Wildlife Service, Region 1  
911 NE 11th Avenue  
Portland, OR 97232-4181

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

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

**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:**

State Conservationist  
Natural Resource Conservation Service  
430 G Street, #4164  
Davis, CA 95616-4164

**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

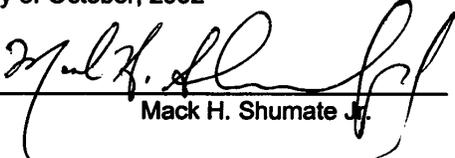
**State Historic Preservation Office:**

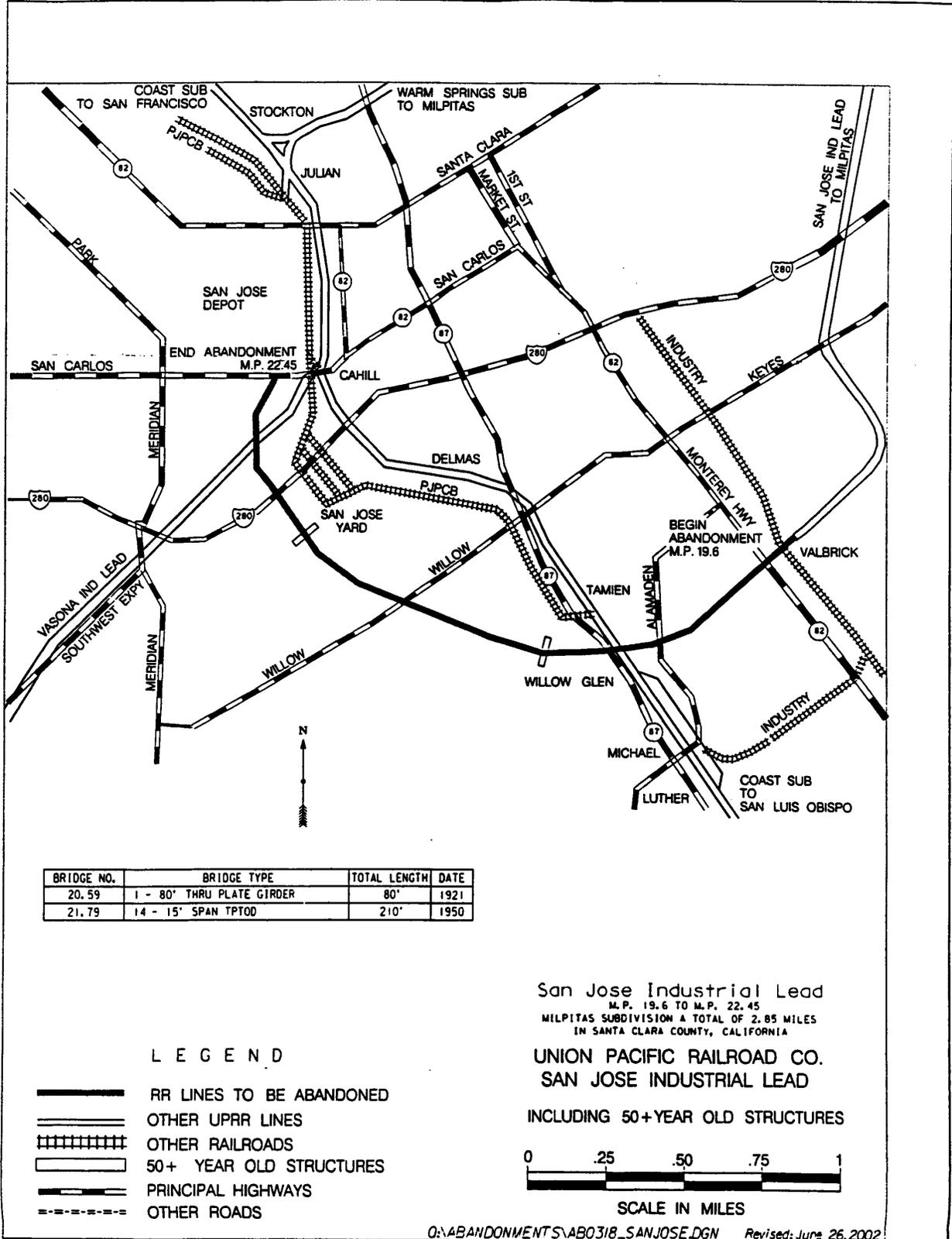
California Department of Parks and Recreation  
Office of Historic Preservation  
P. O. Box 942896  
Sacramento, CA 94296-0001

**Shipper:**

Floor Service Supply Company  
861 Auzerals Avenue  
San Jose, CA 95126

Dated this 2<sup>nd</sup> day of October, 2002

  
Mack H. Shumate Jr.



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
20.59	1 - 80' THRU PLATE GIRDER	80'	1921
21.79	14 - 15' SPAN TPTOD	210'	1950

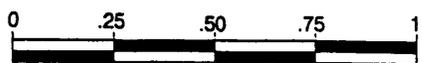
LEGEND

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

San Jose Industrial Lead  
 M.P. 19.6 TO M.P. 22.45  
 MILPITAS SUBDIVISION A TOTAL OF 2.85 MILES  
 IN SANTA CLARA COUNTY, CALIFORNIA

UNION PACIFIC RAILROAD CO.  
 SAN JOSE INDUSTRIAL LEAD

INCLUDING 50+ YEAR OLD STRUCTURES



SCALE IN MILES

Q:\ABANDONMENTS\AB0318\_SANJOSE.DGN Revised: June 26, 2002

CHARLES W. SAYLORS  
DIRECTOR-LEGAL SUPPORT SERVICES

## UNION PACIFIC RAILROAD COMPANY



1416 DODGE STREET  
OMAHA, NEBRASKA 68179  
(402) 271-4861

**RECEIVED**

JUL - 3 2002

LAW DEPARTMENT  
UNION PACIFIC RR CO.

July 1, 2002

**State Clearinghouse (or alternate):**

Office of Planning and Research  
1400 Tenth Street  
Sacramento, CA 95814

**State Environmental Protection Agency:**

California Environmental Protection Agency  
1001 I Street  
Sacramento, CA 95814

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

California Coastal Commission  
45 Fremont Street  
Suite 2000  
San Francisco, CA 94105-2219

**Head of each County:**

Santa Clara County Supervisors  
County Courthouse  
70 W Hedding, 10th Floor  
San Jose, CA 95110

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

U.S. Environmental Protection Agency  
Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

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

U.S. Fish & Wildlife Service, Region 1  
911 NE 11th Avenue  
Portland, OR 97232-4181

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

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

**National Park Service:**

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

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

State Conservationist  
Natural Resource Conservation Service  
430 G Street, #4164  
Davis, CA 95616-4164

**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:**

California Department of Parks and Recreation  
Office of Historic Preservation  
P. O. Box 942896  
Sacramento, CA 94296-0001

Re: Proposed Abandonment of the San Jose Industrial Lead from M. P. 19.60 near Valbrick to M. P. 22.45 near Cahill, a distance of 2.85 miles in San Jose, Santa Clara County, California; STB Docket No. AB-33 (Sub-No. 197x)

Dear Sirs:

00036

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the San Jose Industrial Lead from M. P. 19.60 near Valbrick to M. P. 22.45 near Cahill, a distance of 2.85 miles in San Jose, Santa Clara County, California. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts; however, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission. If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

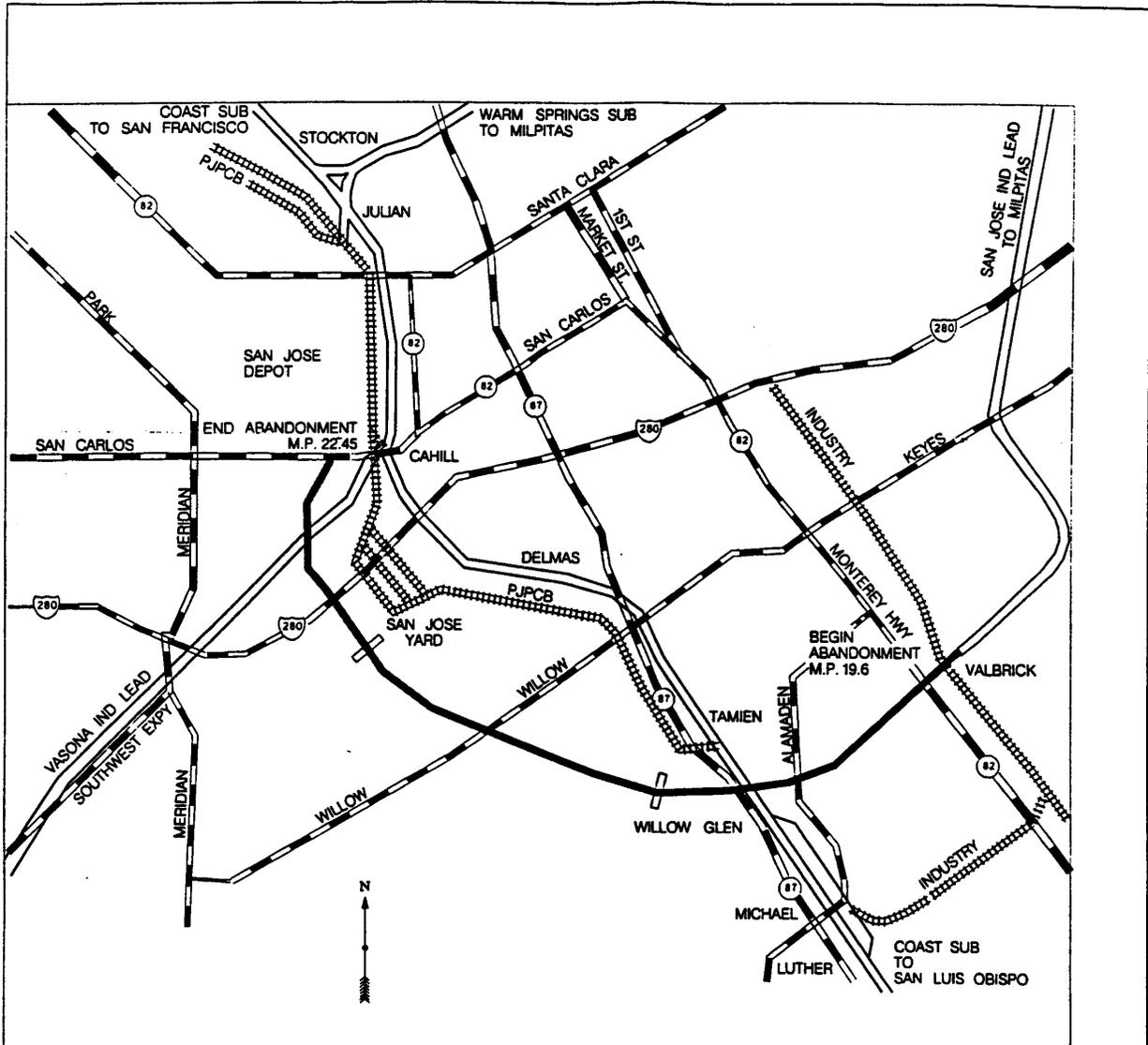
U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1416 Dodge Street, Room 830, Omaha, NE, 68179. If you need further information, please contact me at (402) 271-4861.

Yours truly,

*Charles W. Saylor*  
Charles W. Saylor

Attachment



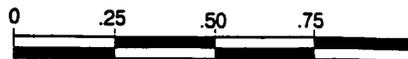
BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
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21.79	14 - 15' SPAN TPTOD	210'	1950

L E G E N D

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San Jose Industrial Lead  
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UNION PACIFIC RAILROAD CO.  
 SAN JOSE INDUSTRIAL LEAD  
 INCLUDING 50+ YEAR OLD STRUCTURES



SCALE IN MILES

 **FLOOR  
SERVICE  
SUPPLY CO.**

June 19, 2002

Ray E. Allamong Jr.  
Union Pacific Railroad  
1416 Dodge Street, Room 1110  
Omaha, NE 68179

Rick Gooch, Director  
Union Pacific Railroad  
49 Stevenson Street, 15th Floor  
San Francisco, CA 94105

Re: Consent to Change Status  
SBE 843-43-(04)-4 PCL 23

Gentlemen :

We are aware of Union Pacific's petition to the United States Surface Transportation Board for exemption to abandon the end few miles of its San Jose Industrial Lead. Floor Service Supply Co. is located on the end of the Lead but now receives its rail service via a connection from UP's Vasona line that ties into the San Jose alignment near our building. Abandonment and reclassification of the Lead abreast of our facility, identified on the County Assessors Parcel Map as SBE 843-43-(04)-4 PCL 23, would permit us to purchase the segment and manage it to better suit our needs. Accordingly, Floor Service supports Union Pacific's petition. Please send me a copy of the petition when it is completed. Thank you.

Sincerely yours,



Pascal Anastasi  
Vice President

PAA/sa

CHARLES W. SAYLORS  
DIRECTOR-LEGAL SUPPORT SERVICES

UNION PACIFIC RAILROAD COMPANY

1416 DODGE STREET  
OMAHA, NEBRASKA 68179  
(402) 271-4861



September 19, 2002

California Department of Parks and Recreation Office of Historic Preservation  
P. O. Box 942896  
Sacramento, CA 94296-0001

RE: Docket AB-33 (Sub-No.197X), Union Pacific Railroad Company -  
Abandonment Exemption - In Santa Clara County, California (San Jose  
Industrial Lead from MP 19.60 near Valbrick to MP 22.45 near Cahill),  
a distance of 2.85 miles

Dear Sir:

Enclosed for your review are four photographs each of two bridges located on the San Jose Industrial Lead which are 50 years or older. The bridges are described as follows:

<u>Milepost</u>	<u>Description</u>	<u>Year Constructed</u>
20.59	Through Plate Girder Total Length: 80 Feet	1921
21.79	Span TPTOD Total Length: 210 Feet	1950

Please advise if you believe there is any historical significance to either of the bridges. Thank you for your assistance.

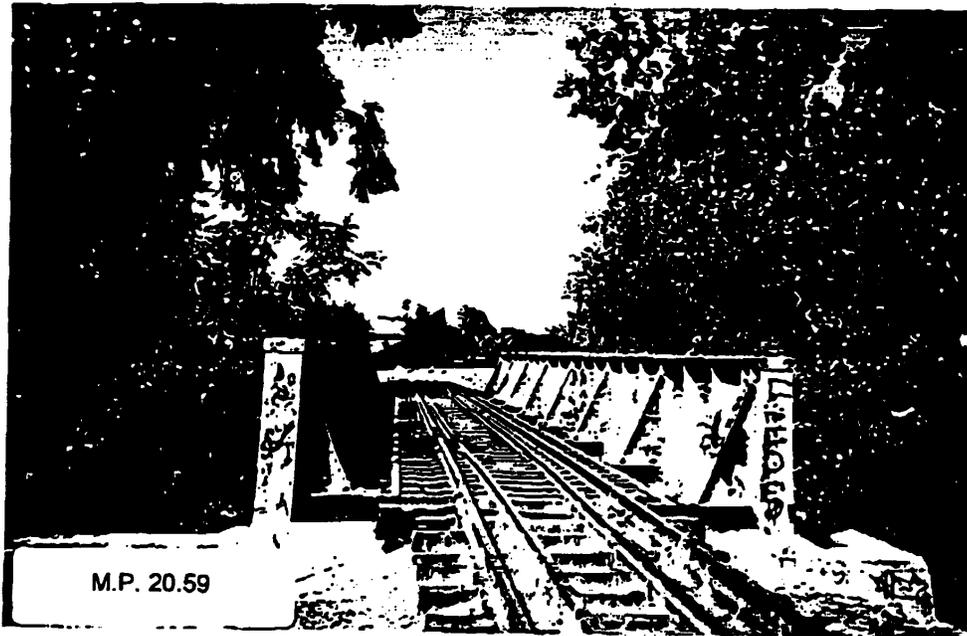
Sincerely,

*Charles W. Saylor*  
Charles W. Saylor  
(402) 271-4861

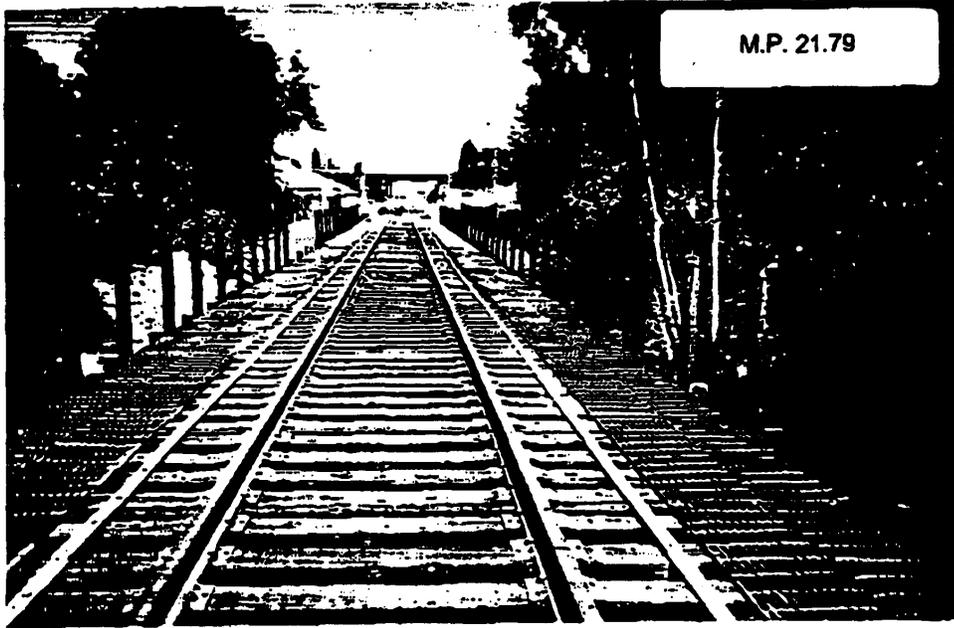
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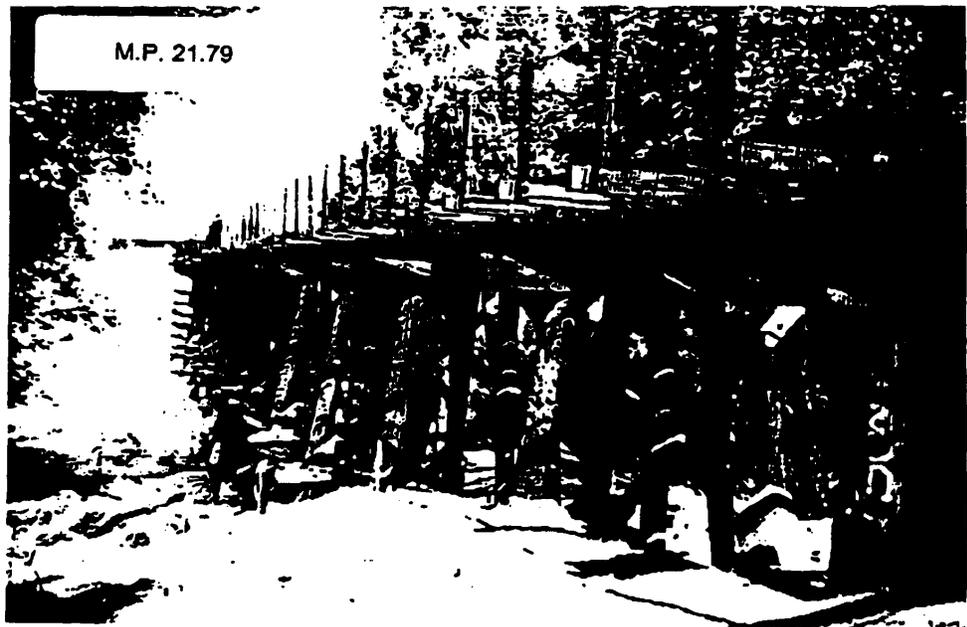
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00043



00044



00045