

208455



July 18, 2003



VIA U.P.S. OVERNIGHT

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

ENTERED
Office of Proceedings
JUL 21 2003
Part of
Public Record

Attention: Victoria Rutson

**RE: Docket No. AB-33 (Sub-No. 210X), Union Pacific Railroad Company
- Abandonment - In Maricopa County, Arizona (Creamery Spur from
Milepost 914.3 to Milepost 916.4, a distance of 2.1 miles near
University Drive between Priest Drive and Hayden Road in Tempe,
Arizona**

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.

Union Pacific anticipates filing a Notice of Exemption in this matter on or after August 11, 2003.

Sincerely,

Enclosures

O:\ABANDONMENTS\33-210X\STB-Letter.wpd

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 210X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN MARICOPA COUNTY, ARIZONA
(CREAMERY SPUR)



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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: July 18, 2003
Filed: July 21, 2003

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 210X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN MARICOPA COUNTY, ARIZONA
(CREAMERY SPUR)

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 of the Creamery Spur from Milepost 914.3 to Milepost 916.4, a distance of 2.1 miles near University Drive between Priest Drive and Hayden Road in Tempe, Maricopa County, Arizona (the "Line").

The Line traverses U. S. Postal Service Zip Code 85281. A Notice of Exemption to abandon the Line pursuant to 49 C.F.R. §1152.50 (no local traffic for at least two years) will be filed on or after August 11, 2003.

A map of the Line marked **Attachment No. 1** is attached hereto and hereby made part hereof. UP's letter to federal, state and local government agencies is marked **Attachment No. 2**, and hereby made a part hereof. Responses received to UP's 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 by UP of the Creamery Spur from Milepost 914.3 to Milepost 916.4, a distance of 2.1 miles near University Drive between Priest Drive and Hayden Road in Tempe, Maricopa County, Arizona (the "Line"). There are no shippers on the Line, and no commodities have moved over the Line for over two years.

The Line was constructed in segments. The Maricopa and Phoenix Railroad constructed the Line from milepost 914.3 to milepost 915.3 in 1887. The Arizona and Eastern Railroad constructed the Line from milepost 915.3 to milepost 917.1 in 1925, and the Phoenix and Eastern constructed the Line from milepost 917.1 to milepost 920.0 in 1905. Rail weights used were 113-pound rail from milepost 910.0 to milepost 912.7; 136-pound continuous welded rail from milepost 912.7 to milepost 913.9; 119-pound continuous welded rail from milepost 913.9 to milepost 915.2; 136-pound continuous welded rail from milepost 915.2 to milepost 916.4; and 11-pound rail from milepost 915.7 to milepost 920.0. There appears to be no reasonable alternative to the abandonment. No local traffic has moved over the Line in the past two years, and there is no overhead traffic on the Line.

Based on information in the UP's possession, there are some restrictions to the title of the Line in that a segment of the right-of-way is over an expired franchise

agreement located in a City street with a portion of the remaining right-of-way being reversionary. The right-of-way is not suitable for public purposes, including roads or highways, conservation, energy production or transmission, as the Line traverses through the heavily populated areas of Downtown Tempe and the campus of Arizona State University. The area is adequately served by existing roads and utility lines. The property is suitable for the planned use by the City of Tempe for the construction and operation of the Central Phoenix/East Valley Light Rail Transit Project connecting Tempe with Downtown Phoenix and Sky Harbor Airport. The property is also suitable for recreational trail purposes, namely a bike or jogging path.

A map of the Line is attached as **Attachment No. 1**.

(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: 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.

(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 49 C.F.R. §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) The City of Tempe is planning to construct and operate a Central Phoenix/East Valley Light Rail Transit System connecting Tempe with Downtown Phoenix and Sky Harbor Airport.

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

(iii) The proposed abandonment is not in a designated coastal zone.

(iv) The right-of-way is not suitable for public purposes, including roads or highways, conservation, energy production or transmission, as the Line traverses through the heavily populated areas of Downtown Tempe and the campus of Arizona State University. The area is adequately served by existing roads and utility lines.

(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 are no effects on the transportation of energy resources in view of the absence of rail shipments on the Line.

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

(iii) There will be no change in energy consumption from the abandonment of the Line.

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

(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 reinstitution 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. The U. S. Fish and Wildlife Service response is attached as **Attachment No. 3** and hereby made part hereof.

(ii) The National Park Service has been contacted. To date UP has received no response.

(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 Arizona Department of Environmental Quality has been contacted. To date UP has received no response.

(ii) The U.S. Army Corps of Engineers has been contacted. To date UP has received no response.

(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. However, UP and/or its contractor shall comply to the extent applicable during any salvage process with the requirements outlined in the Maricopa County Environmental Services Department letter dated July 1, 2003 and attached hereto as **Attachment No. 5**.

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 typically ranges in width through the downtown area of Tempe and across the campus of Arizona State University. The topography of the Line is generally flat. Based on information in UP's possession, the Line does not contain

federally granted right-of-way. Real estate documentation relating to the Line in UP's possession will be made available to those requesting it.

(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 Arizona State Historic Preservation Office was provided with original photographs of two (2) bridges 50 years old or older. A copy of the letter to the Historical Society and pictures are attached hereto as **Attachment No. 4**, and hereby made a part hereof. UP is currently awaiting the Historical Society's 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 UP letter marked **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. There have been no rail operations over the Line for at least two years. No changes in carrier operations are contemplated.

(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: UP believes there are no structures over fifty years old which can be found to be historic.

(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: At this time, UP knows of no historic sites or structures or archeological resources in the project area and believes that any archeological sites within the scope of the right-of-way would have been disturbed during the construction of the Line. Any salvage activities should not affect any previously undisturbed sites. Abandonment of the Line will have no impact on any prehistoric sites. The Arizona State Historic Preservation Office has been notified of the proposed abandonment and has been provided photographs of structures in excess of fifty years of age.

(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 groups 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 18th day of July, 2003.

Respectfully submitted,

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

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

O:\ABANDONMENTS\33-178x\EHR.WPD

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. 210X), the Creamery Spur in Maricopa County, Arizona was served by first class mail on the 18th day of July, 2003 on the following:

State Clearinghouse (or alternate):

Arizona State Clearinghouse
3800 North Central Avenue
Fourteenth Floor
Phoenix, AZ 85012

State Environmental Protection Agency:

Arizona Department of Environmental Quality
3033 North Central Avenue
Phoenix AZ 85012

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

Not Applicable

Head of each County:

Maricopa Board of Supervisors
301 West Jefferson Street
Phoenix, AZ 85003

**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 2
P. O. Box 1306
Albuquerque, NM 87103-1306

U.S. Army Corps of Engineers:

U.S. Army Engineer District
Los Angeles
P. O. Box 2711
Los Angeles, CA 90053-2325

National Park Service:

National Park Service
William D. Shaddox
Chief, Land Resources Division
1849 "C" St., N. W., #MS3540
Washington, DC 20240

U.S. Natural Resources Conservation Service:

State Conservationist
Natural Resource Conservation Service
3003 North Central Avenue, Suite 800
Phoenix, AZ 85012-2945

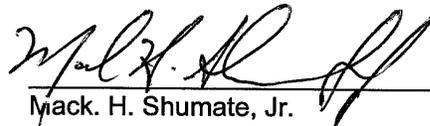
National Geodetic Survey:

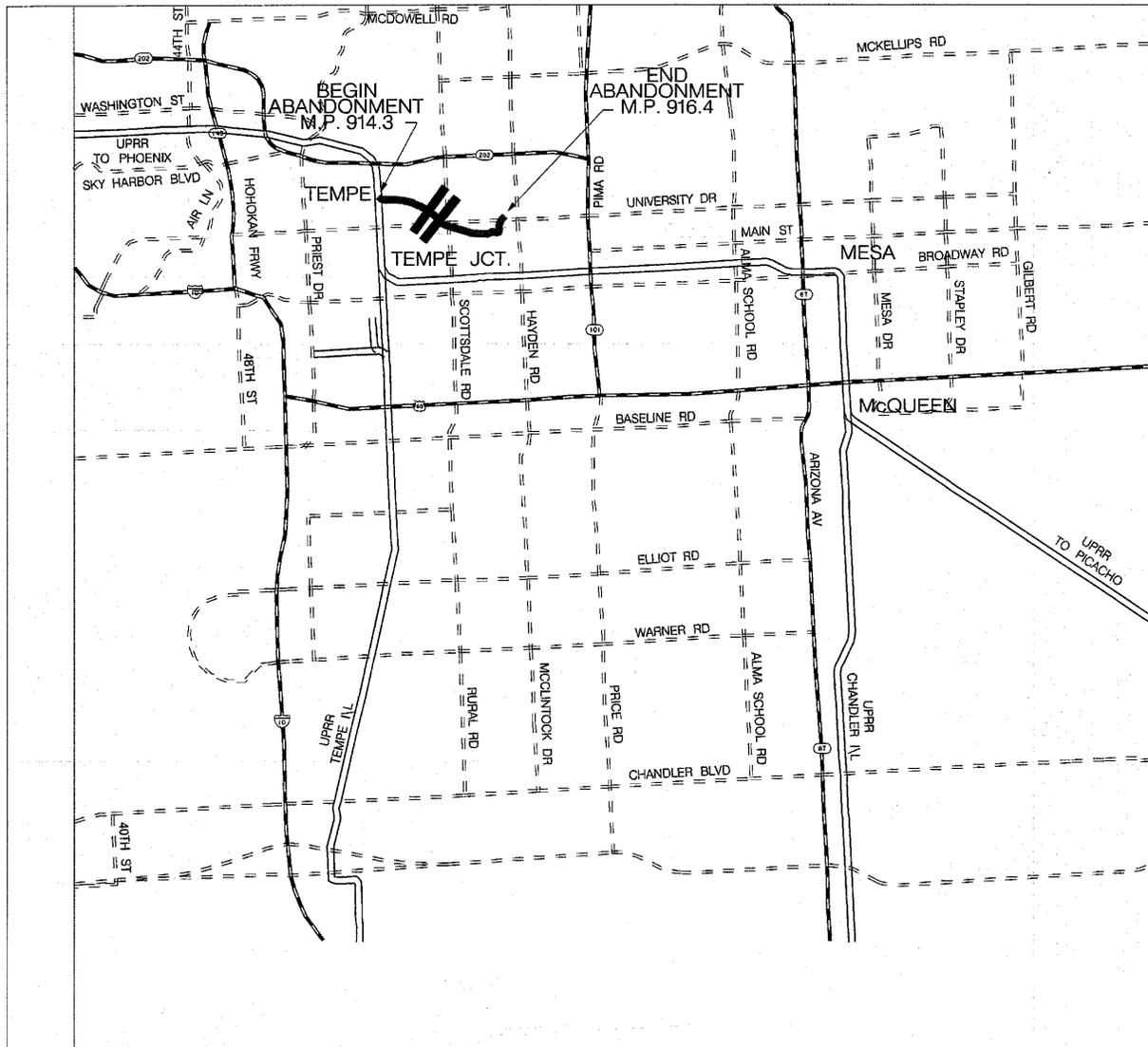
National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

William S. Collins, PhD.
Deputy State Historic Preservation Officer
State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, AZ 85007

Dated this 18th day of July, 2003.


Mack. H. Shumate, Jr.



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
915.39	1 SPAN TPTBD	8'	1951
915.49	1 SPAN TPTBD	8'	1951

LEGEND

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

CREAMERY SPUR
 MP 914.3 TO MP 916.4
 TOTAL OF 2.1 MILES
 IN MARICOPA COUNTY, ARIZONA

UNION PACIFIC RAILROAD CO.
CREAMERY SPUR
TEMPE, ARIZONA
 INCLUDING 50+ YEAR OLD STRUCTURES



FILE: q:\abandonments\ab0335_tempe.dgn

DATE: 25-Apr-03 07:54

CHARLES W. SAYLORS
DIRECTOR-LEGAL SUPPORT SERVICES

UNION PACIFIC RAILROAD COMPANY

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



June 19, 2003

State Clearinghouse (or alternate):

Arizona State Clearinghouse
3800 North Central Avenue
Fourteenth Floor
Phoenix, AZ 85012

State Environmental Protection Agency:

Arizona Department of Environmental Quality
3033 North Central Avenue
Phoenix AZ 85012

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

Not Applicable

Head of each County:

Maricopa Board of Supervisors
301 West Jefferson Street
Phoenix, AZ 85003

**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 2
P. O. Box 1306
Albuquerque, NM 87103-1306

U.S. Army Corps of Engineers:

U.S. Army Engineer District
Los Angeles
P. O. Box 2711
Los Angeles, CA 90053-2325

National Park Service:

William D. Shaddox
Chief, Land Resources Division
National Park Service
800 North Capitol Street, NE., Room 540
Washington, D.C. 20002

U.S. Natural Resources Conservation Service:

State Conservationist
Natural Resource Conservation Service
3003 North Central Avenue, Suite 800
Phoenix, AZ 85012-2945

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:

William S. Collins, PhD.
Deputy State Historic Preservation Officer
State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, AZ 85007

Re: Proposed Abandonment of the Creamery Spur from Milepost 914.3 to Milepost 916.4, a distance of 2.1 miles near University Drive between Priest Drive and Hayden Road in Tempe, Maricopa County, Arizona; STB Docket No. AB-33 (Sub-No. 210x)

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon the Creamery Spur from Milepost 914.3 to Milepost 916.4, a distance of 2.1 miles near University Drive between Priest Drive and Hayden Road in Tempe, Maricopa County, Arizona. 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.

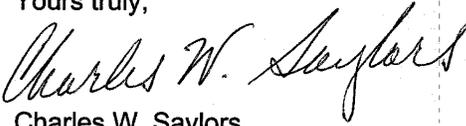
STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

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.

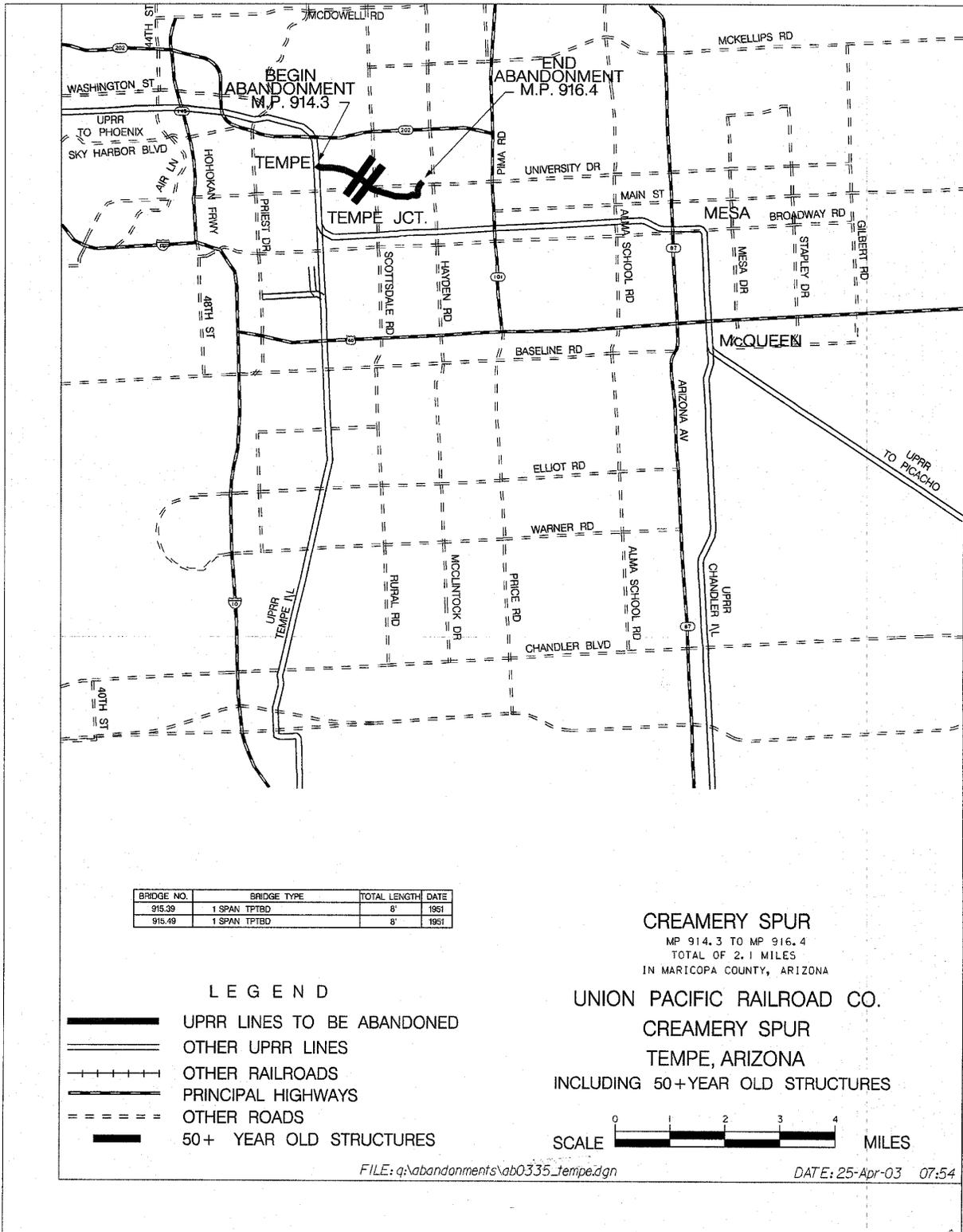
Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1416 Dodge Street, Room 830, Omaha, NE, 68179. If you need further information, please contact me at (402) 271-4861.

Yours truly,



Charles W. Saylor

Attachment



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
915.39	1 SPAN TPTBD	8'	1951
915.49	1 SPAN TPTBD	8'	1951

LEGEND

-  UPRR LINES TO BE ABANDONED
-  OTHER UPRR LINES
-  OTHER RAILROADS
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CREAMERY SPUR
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CREAMERY SPUR
TEMPE, ARIZONA
 INCLUDING 50+ YEAR OLD STRUCTURES



FILE: q:\abandonments\ab0335_Tempe.dgn

DATE: 25-Apr-03 07:54



United States Department of the Interior

U.S. Fish and Wildlife Service
 2321 West Royal Palm Road, Suite 103
 Phoenix, Arizona 85021-4951
 Telephone: (602) 242-0210 FAX: (602) 242-2513



In Reply Refer to:

AESO/SE
 02-21-03-I-0338

July 3, 2003

Mr. Charles W. Saylor
 Union Pacific Railroad Company
 1416 Dodge Street
 Omaha, Nebraska 68179

RE: Surface Transportation Board to abandon the Creamery Spur

Dear Mr. Saylor:

Thank you for your recent request for information on threatened or endangered species, or those that are proposed to be listed as such under the Endangered Species Act of 1973, as amended (Act), which may occur in your project area. The Arizona Ecological Service Field Office has posted lists of the endangered, threatened, proposed, and candidate species occurring in each of Arizona's 15 counties on the Internet. Please refer to the following web page for species information in the county where your project occurs: <http://arizonaes.fws.gov>

If you do not have access to the Internet or have difficulty obtaining a list, please contact our office and we will mail or fax you a list as soon as possible.

After opening the web site, click the Threatened and Endangered button on the left hand side of the page. Then scroll to the bottom of the page where there is a map of Arizona. You can either click on your county of choice on the map or from the list. The arrows on the left will guide you through information on species that are listed, proposed, candidates, or have conservation agreements. Here you will find information on the species' status, a physical description, all counties where the species occurs, habitat, elevation, and some general comments. Additional information can be obtained by going back to the main page. On the left side of the screen, click on Document Library, then click on Documents by Species, then click on the name of the species of interest to obtain General Species Information, or other documents that may be available. Click on the cactus icon to view the desired document.

Please note that your project area may not necessarily include all or any of these species. The information provided includes general descriptions, habitat requirements, and other information for each species on the list. Under the General Species Information, citations for the Federal Register (FR) are included for each listed and proposed species. The FR is available at most public libraries. This information should assist you in determining which species may or may not

Mr. Charles W. Saylor

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occur within your project area. Site-specific surveys could also be helpful and may be needed to verify the presence or absence of a species or its habitat as required for the evaluation of proposed project-related impacts.

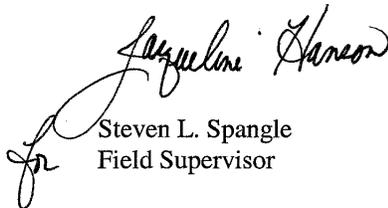
Endangered and threatened species are protected by Federal law and must be considered prior to project development. If the action agency determines that listed species or critical habitat may be adversely affected by a federally funded, permitted, or authorized activity, the action agency will need to request formal consultation with us. If the action agency determines that the planned action may jeopardize a proposed species or destroy or adversely modify proposed critical habitat, the action agency will need to enter into a section 7 conference. The county list may also contain candidate species. Candidate species are those for which there is sufficient information to support a proposal for listing. Although candidate species have no legal protection under the Act, we recommend that they be considered in the planning process in the event that they become listed or proposed for listing prior to project completion.

If any proposed action occurs in or near areas with trees and shrubs growing along watercourses, known as riparian habitat, we recommend the protection of these areas. Riparian areas are critical to biological community diversity and provide linear corridors important to migratory species. In addition, if the project will result in the deposition of dredged or fill materials into waterways, we recommend you contact the Army Corps of Engineers which regulates these activities under Section 404 of the Clean Water Act.

The State of Arizona and some of the Native American Tribes protect some plant and animal species not protected by Federal law. We recommend you contact the Arizona Game and Fish Department and the Arizona Department of Agriculture for State-listed or sensitive species, or contact the appropriate Native American Tribe to determine if sensitive species are protected by Tribal governments in your project area. We further recommend that you invite the Arizona Game and Fish Department and any Native American Tribes in or near your project area to participate in your informal or formal Section 7 Consultation process.

For future projects, you do not need to contact our office to obtain a species list for a new project. However, for additional communications regarding this project, please refer to consultation number 02-21-03-I-0338. We appreciate your efforts to identify and avoid impacts to listed and sensitive species in your project area. If we may be of further assistance, please feel free to contact Tom Gatz for projects in northern Arizona or along the Colorado River (x240) or Sherry Barrett for projects in southern Arizona.

Sincerely,


Steven L. Spangle
Field Supervisor

cc: John Kennedy, Habitat Branch, Arizona Game and Fish Department, Phoenix, AZ

21

CHARLES W. SAYLORS
DIRECTOR-LEGAL SUPPORT SERVICES

UNION PACIFIC RAILROAD COMPANY

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



June 19, 2003

William S. Collins, Ph.D.
Deputy State Historic Preservation Officer
State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, AZ 85007

RE: Docket No. AB-33 (Sub-No. 210X), Union Pacific Railroad Company
- Abandonment - In Maricopa County, Arizona (Creamery Spur from
Milepost 914.3 to Milepost 916.4, a distance of 2.1 miles near University
Drive between Priest Drive and Hayden Road in Tempe, Arizona)

Dear Dr. Collins:

Union Pacific Railroad Company proposes to abandon the Creamery Spur from milepost 914.3 to milepost 916.4. This 2.1 mile section contains 2 eight-foot bridges which are over fifty years old. The bridge milepost number, bridge type, total length and year of Construction for each bridge are as follows:

<u>Milepost</u>	<u>Description</u>	<u>Year Constructed</u>
915.39	1 Span TFTBD Total Length: 8 Feet	1951
915.49	1 Span TFTBD Total Length: 8 Feet	1951

Photographs of each of the bridges are also attached. Please advise if you believe there is any historical significance to either of the bridges. I will provide you a copy of the Combined Environmental and Historic Report for this abandonment application upon its completion. If you have any questions, please let me know. Thank you for your assistance.

Sincerely,

Charles W. Saylor
(402) 271-4861

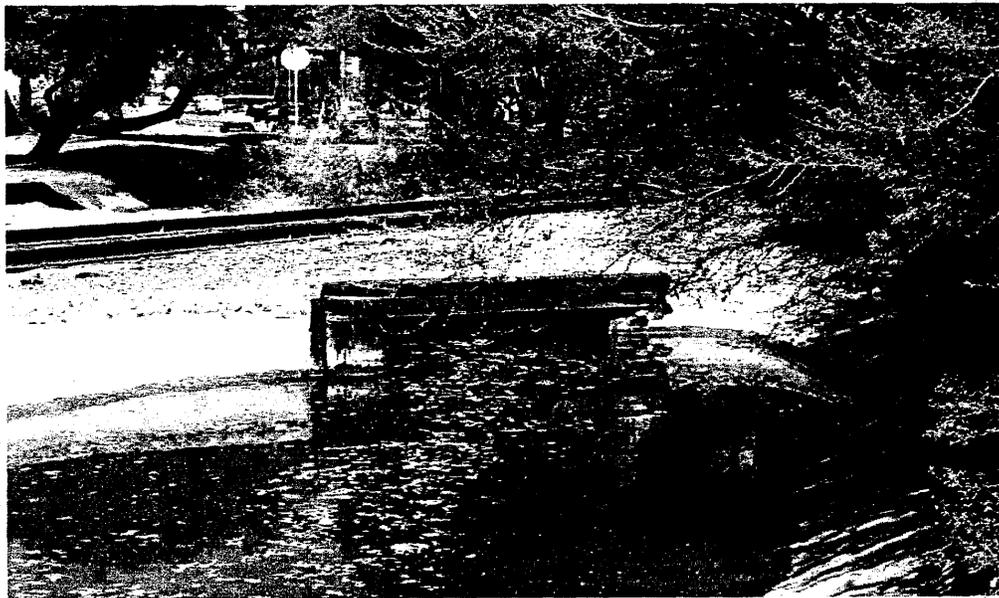
Atch.

Union Pacific Railroad

Creamery Spur Tempe, Az	Creamery Spur Abandonment	Sheet 26 of 40
AB-33 (Sub-No. 210X)	Mile Post 914.3 to 916.4	MP 915.39



MP 915.39 8'-9" TST-BD Irrigation Channel Bridge (Looking West) GPS (N 33° 25' 18" W 111° 55' 42")



MP 915.39 8'-9" TST-BD Irrigation Channel Bridge (Looking South) GPS (N 33° 25' 18" W 111° 55' 42")

Date of Picture 4/30/03

Union Pacific Railroad

Creamery Spur Tempe, Az	Creamery Spur Abandonment	Sheet 27 of 40
AB-33 (Sub-No. 210X)	Mile Post 914.3 to 916.4	MP 915.39 & 915.49



MP 915.39 8'-9" TST-BD Irrigation Channel Bridge (Looking North) GPS (N 33° 25' 18" W 111° 55' 42")



MP 915.49 8'-9" TST-BD Irrigation Channel Bridge (Looking East) GPS (N 33° 25' 17" W 111° 55' 37")

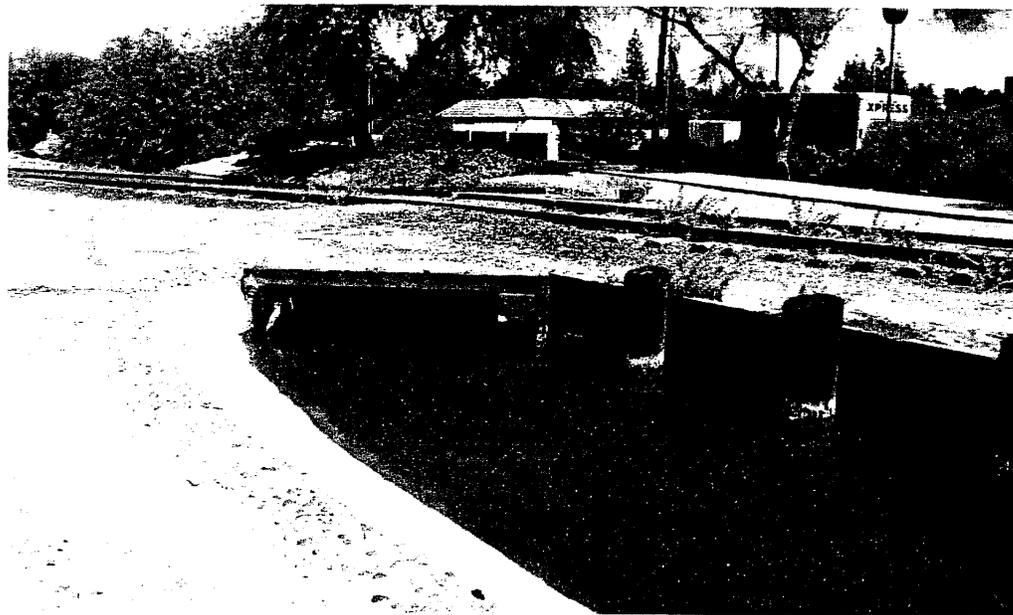
Date of Picture 4/30/03

Union Pacific Railroad

Creamery Spur Tempe, Az	Creamery Spur Abandonment	Sheet 28 of 40
AB-33 (Sub-No. 210X)	Mile Post 914.3 to 916.4	MP 915.49



MP 915.49 8'-9" TST-BD Irrigation Channel Bridge (Looking West) GPS (N 33° 25' 17" W 111° 55' 37")



MP 915.49 8'-9" TST-BD Irrigation Channel Bridge (Looking North) GPS (N 33° 25' 17" W 111° 55' 37")

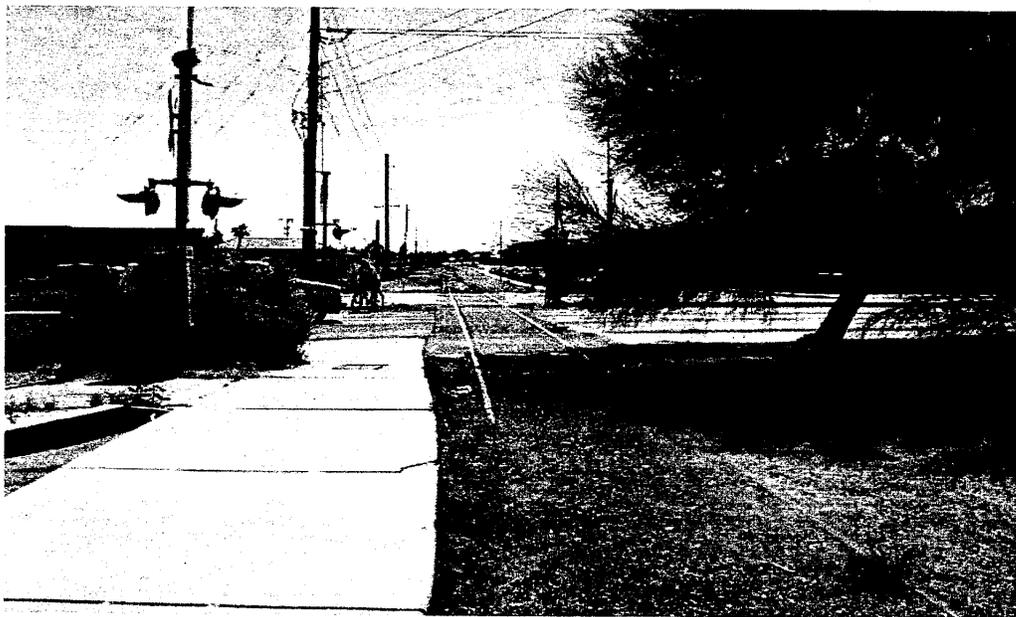
Date of Picture 4/30/03

Union Pacific Railroad

Creamery Spur Tempe, Az	Creamery Spur Abandonment	Sheet 29 of 40
AB-33 (Sub-No. 210X)	Mile Post 914.3 to 916.4	MP 915.49 & 915.51



MP 915.49 8'-9" TST-BD Irrigation Channel Bridge (Looking South) GPS (N 33° 25' 17" W 111° 55' 37")



MP 915.51 Rural Road (Looking East) GPS (N 33° 25' 16" W 111° 55' 35")

Date of Picture 4/30/03



Maricopa County
Environmental Services Department

Albert F. Brown, Director
1001 North Central, Ste 595
Phoenix, Arizona 85004-1950
Phone: (602) 506-6623
Fax: (602) 506-5141
TDD: (602) 506-6704

July 1, 2003

Mr. Chuck Saylor
Union Pacific Railroad
1416 Dodge Street, Rm. 830
Omaha, NE 68179

Dear Mr. Saylor:

This is in response to your letter of June 19, 2003 regarding the proposed abandonment of the Creamery Spur from Milepost 914.3 to Milepost 916.4, a distance of 2.1 miles near University Drive between Priest Drive and Hayden Road in Tempe, Maricopa County, Arizona; STB Docket No. AB-33 (Sub-No.210x).

To ensure you have the earthmoving permits that may be required by the Department, please contact Lucinda Swann at 602-506-6734.

In addition, I suggest that you contact the City of Tempe's water and wastewater departments regarding abandonment and reconstruction of water and sewer lines. If any affected land is within unincorporated areas, please contact the MCESD Water & Wastewater Division at 602-506-6666.

I wish you great success with this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Brown".

Al Brown
Director