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210277



March 10, 2004



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MAR 11 2004

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Public Record

VIA UPS NEXT DAY DELIVERY

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

Re: Docket No. AB-33 (Sub-No. 212X), Union Pacific Railroad Company - Discontinuance of Service and Trackage Rights Exemption - In Los Angeles and Orange Counties, California (Paramount Industrial Lead from Milepost 495.18 to Milepost 495.83 northwest of the intersection of Garfield and Rosecrans in Paramount; and from Milepost 497.11 near Crutcher to Milepost 507.87 in North Stanton), a total distance of 11.41 miles

Dear Mr. Williams:

Pursuant to the Board's exemption procedures for abandonment of rail lines with no local business for at least two (2) years (49 C.F.R. 1152.50), enclosed are an original and ten (10) copies of a verified Notice of Exemption, including a Certificate of Service and Publication.

Please file the Notice of Exemption in Docket No. AB-33(Sub-No. 212X). Enclosed is a check for \$2,800.00 for the filing fee.

Sincerely,

FEE RECEIVED

MAR 11 2004

**SURFACE
TRANSPORTATION BOARD**

Enclosures

FILED

MAR 11 2004

**SURFACE
TRANSPORTATION BOARD**

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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

D:D # 01040311004001 210277



Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 212X)

UNION PACIFIC RAILROAD COMPANY
-- DISCONTINUANCE OF SERVICE AND TRACKAGE RIGHTS EXEMPTION --
IN LOS ANGELES AND ORANGE COUNTIES, CALIFORNIA
(PARAMOUNT INDUSTRIAL LEAD
IN PARAMOUNT, CRUTCHER AND LOS ANGELES, CA)

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NOTICE OF EXEMPTION

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TRANSPORTATION BOARD

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: March 10, 2004
Filed: March 11, 2004

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 212X)

UNION PACIFIC RAILROAD COMPANY
-- DISCONTINUANCE OF SERVICE AND TRACKAGE RIGHTS EXEMPTION --
IN LOS ANGELES AND ORANGE COUNTIES, CALIFORNIA
(PARAMOUNT INDUSTRIAL LEAD
IN PARAMOUNT, CRUTCHER AND LOS ANGELES, CA)

NOTICE OF EXEMPTION

Union Pacific Railroad Company ("UP") submits this verified Notice of Exemption pursuant to 49 § C.F.R. 1152.50, Subpart F -- Exempt Abandonments and Discontinuances of Service and Trackage Rights, for an exempt abandonment of UP's Service and Trackage Rights over the Paramount Industrial Lead from Milepost 495.18 to Milepost 495.83 northwest of the intersection of Garfield and Rosecrans and from Milepost 497.11 near Crutcher to Milepost 507.87 in North Stanton, a total distance of 11.41 miles in Los Angeles and Orange Counties, CA (the "Line").

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

The abandonment is proposed to be consummated on or after April 16, 2004 (at least 50 days after filing the Notice of Exemption).

Certification: 49 C.F.R. 1152.50(b)

UP certifies that no local traffic has moved over the Line for at least two years; and that no formal complaint filed by a user of rail service on the Line (or filed by a state or local governmental entity acting on behalf of such user) regarding cessation

of service over the Line either is pending with this Board or any U.S. District Court or has been decided in favor of the complainant within the two-year period. The subject Line has not been used for freight traffic for at least two years.

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

(a) General.

(a)(1) The railroads' exact name is Union Pacific Railroad Company.

(a)(2) UP is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(a)(3) UP intends to discontinue service over the Line from Milepost 495.18 to Milepost 495.83 northwest of the intersection of Garfield and Rosecrans and from Milepost 497.11 near Crutcher to Milepost 507.87 in North Stanton, a total distance of 11.41 miles in Los Angeles and Orange Counties, CA.

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

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

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

(a)(8) ZIP Code. The Line traverses U. S. Postal Service Zip Codes 90623, 90630, 90680, 90701, 90703, 90706, 90715, 90723, and 92804.

(e)(4) Rural and Community Impact. The Line was constructed by the Pacific Electric Railway and the Los Angeles Inter-urban Railway Company in 1905. The Line, formerly known as the West Santa Ana Branch, was sold by the Southern Pacific Transportation Company (SPTC) a predecessor-in-interest to UP to the Los Angeles County Transportation Commission (LACTC) in March, 1991. The Line is now owned by LACTC's successor, the Los Angeles County Metropolitan Transportation Authority (LACMTA), and the Orange County Transportation Authority (OCTA). LACTC, LACMTA and OCTA are collectively referred to as the "Authorities". Under the terms of an Agreement Regarding Interim Use of Tracks executed at the time of sale, SPTC, now UP, was granted the right and obligation to conduct freight service on the Line. Recent clarifications of the ownership status of the Line has led to the conclusion that the Authorities did in fact also acquire a common carrier obligation to conduct freight service on the Line at the time of sale in March of 1991. The Authorities are agreeable to the filing of this Notice of Exemption by UP to clarify the rights and obligations with respect to the Line and have affirmed their obligation to fulfill any future request for rail service, including but not limited to freight service, on the two Line segments covered by this filing. The Line is currently constructed with a combination of 85, 90, 113, and 128 pound rail.

There appears to be no reasonable alternative to the abandonment. In recent years, the Line segment from its east end at North Stanton, MP 507.87 to MP 497.11 was used by UP solely for overhead traffic destined to the sole active customer on the

Line, the Paramount Petroleum Complex lying between MP 497.11 and MP 495.83. This section of track is not included in this Discontinuance of Service Exemption. Recently, a new rail connection was completed to the Paramount Petroleum Complex at MP 495.83 from another UP line, making it unnecessary for UP to use the overhead route on the Line between MP 507.87 and MP 497.11. UP is retaining its rights through the Paramount Petroleum Complex between MP 497.11 and MP 495.83 and will continue providing rail service to the customer. The second of the two Line segments for which UP seeks to discontinue its operating rights lies west of the Paramount Petroleum Complex between MP 495.83 and the west end of the Line at MP 495.18. This line segment has not been used for either local industry or overhead traffic in the last two years.

Based on information in the UP's possession, both segments of the Line proposed for discontinuance does not contain federally granted right-of-way. Ownership of the Line was previously transferred by UP's predecessor-in-interest SPTC, to the Los Angeles County Transportation Commission (LACTC) in March, 1991 and may be suitable for other public purposes, subject to the LACTC's intended uses. The title to the property which makes up the Line was non-reversionary in March, 1991. UP has not placed any restrictions or encumbrances on the Line subsequent to transfer of the Line to LACTC in March, 1991.

Any documentation so related to the Line, including real estate documentation relating to the Line in UP's possession, will be made available to those requesting it.

Labor Protection

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

Certifications

Attached hereto as **Exhibit B** and hereby made a part hereof is a Certificate of Service and Publication pursuant to the notice requirements of 49 C.F.R. §§ 1152.50(d)(1), 1105.11 and 1105.12.

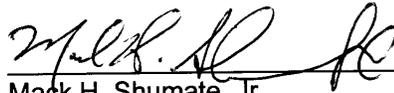
Environmental and Historic Report

No Combined Environmental and Historic Report containing the information required by 49 C.F.R. §§ 1105.7 (e) and 1105.8, and delivered in accordance with 49 C.F.R. 1105.11, has been made in this matter in that the entire Line has been sold to and has been and will continue to be operated by the Authorities as their interests appear. This Discontinuance of Service and Trackage Rights Exemption qualifies for the exemption provided for at 49 C.F.R. 1105.6(b)(3). No portion of the Line will be salvaged or otherwise disposed of as a result of this exempt Notice of Discontinuance. It is contemplated that the entire Line will continue to be operated by the Authorities as is currently the case.

Dated this 10th day of March, 2004.

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

VERIFICATION

STATE OF NEBRASKA)
) ss:
COUNTY OF DOUGLAS)

I, RAYMOND E. ALLAMONG, JR., Senior 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.

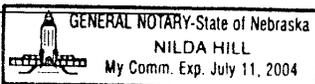
Dated at Omaha, Nebraska, this 19th day of February, 2004.

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

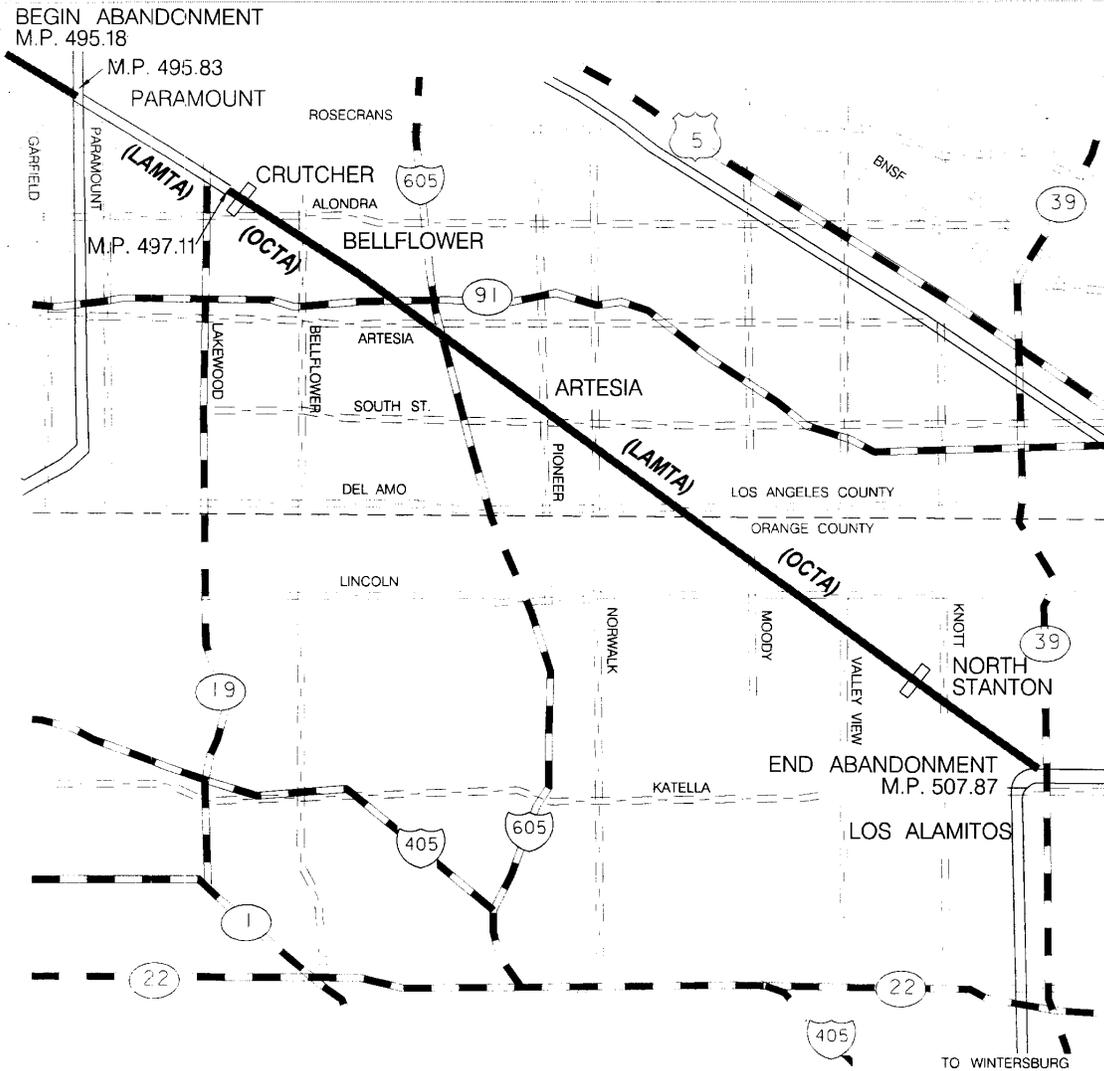
SUBSCRIBED AND SWORN TO
before me this 19th day of
February, 2004.

Nelda Hill

Notary Public



My Commission expires: _____



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
BR 497.96	1-10' RAIL TOP BEAM SPAN	10'	1905
BR 505.91	6-SPAN TPTOD	90'	1944

STATION	MILE POST	AGENCY
CRUTCHER	497.00	NO
BELLFLOWER	498.70	NO
ARTESIA	501.70	NO

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- LOS ANGELES METROPOLITAN TRANSIT AUTHORITY
- ORANGE COUNTY TRANSPORTATION AUTHORITY
- OTHER RAILROADS
- 50+ YEAR OLD STRUCTURES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

M.P. 495.18 TO M.P. 495.83
 AND M.P. 497.11 TO M.P. 507.87
 A TOTAL OF 11.41 MILES
 IN LOS ANGELES AND ORANGE COUNTIES, CA
UNION PACIFIC RAILROAD CO.
PARAMOUNT INDUSTRIAL LEAD
 INCL. 50+ YEAR OLD STRUCTURES



SCALE IN MILES

FILE: q:\abandonments\ab0332_paramount.dgn

DATE: 08/01/00





Exhibit B
AB-33 (Sub-No. 212X)

DOCKET NO. AB-33 (SUB-NO. 212X)
Paramount Industrial Lead in Los Angeles and Orange Counties, CA

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) - Notice

The undersigned certifies that on February 25, 2004 (at least 10 days before a Notice of Exemption is filed), written notice was given of Union Pacific's intent to use the exemption notice procedure for discontinuance of service and trackage rights over the Paramount Industrial Lead in Los Angeles and Orange Counties, California in Docket No. AB-33 (Sub-No. 212X). Written notice (a copy of which is attached hereto as Attachment 1) was served on the following:

California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102-3298

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

U.S. Department of Agriculture
Chief of the Forest Service
4th Flr. N.W., Auditors Bldg.
14th St. & Independence Ave., SW
Washington, DC 20250

Military Traffic Management Command
Transportation Engr. Agency
Railroads for National Defense
720 Thimble Shoals Blvd., Su.130
Newport News, VA 23606-2574

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

49 C.F.R. § 1105.11 -

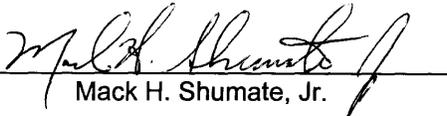
In accordance with the exception at 49 C.F.R. § 1105.6(b)(3) relating to discontinuances of trackage rights when the affected line will continue to be operated, no Combined Environmental and Historic Report containing the information required by 49 C.F.R. §§ 1105.7 (e) and 1105.8, and delivered in accordance with 49 C.F.R. 1105.11, has been made in this matter in that the entire Line has been sold to and has been and will continue to be operated by the Los Angeles County Metropolitan Transportation Authority and the Orange County Transportation Authority as their interests appear. No portion of the Line will be salvaged or otherwise disposed of as a result of this exempt Notice of Discontinuance. It is contemplated that the entire Line will continue to be operated by the Los Angeles County Metropolitan Transportation Authority and the Orange County Transportation Authority as is currently the case.

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

The undersigned further certifies that a "Notice of Intent to Abandon or to Discontinue Rail Service" was published in the form prescribed by the Board for a Notice of Exemption. The notice was published one time in a major newspaper in the county in which the Line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Los Angeles	<i>Bellflower Herald American</i>	March 4, 2005
Orange	<i>Orange County News</i>	March 5, 2005

Dated this 10th day of March, 2004.


Mack H. Shumate, Jr.

CHARLES W. SAYLORS
DIRECTOR-LEGAL SUPPORT SERVICES

UNION PACIFIC RAILROAD COMPANY

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



February 25, 2004

California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102-3298

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

U.S. Department of Agriculture
Chief of the Forest Service
4th Flr. N.W., Auditors Bldg.
14th St. & Independence Ave., SW
Washington, DC 20250

Military Traffic Management Command
Transportation Engr. Agency
Railroads for National Defense
720 Thimble Shoals Blvd., Su.130
Newport News, VA 23606-2574

**RE: Docket No. AB-33 (Sub-No. 212X), Union Pacific Railroad Company
- Abandonment - In Los Angeles and Orange Counties, California
(Paramount Industrial Lead from Milepost 495.18 to Milepost 495.83
northwest of the intersection of Garfield and Rosecrans in Paramount; and
from Milepost 497.11 near Crutcher to Milepost 507.87 in North Stanton), a
total distance of 11.41 miles**

Dear Sirs:

This is notice that Union Pacific Railroad Company ("UP") expects to be filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority for a discontinuance of service over the Paramount Industrial Lead from milepost 495.18 to milepost 495.83 northwest of the intersection of Garfield and Rosecrans in Paramount; and from milepost 497.11 near Crutcher to milepost 507.87 in North Stanton), a total distance of 11.41 miles in Los Angeles and Orange Counties, California (the "Line").

The Line traverses U. S. Postal Service Zip Codes 90623, 90630, 90680, 90701, 90703, 90706, 90715, 90723, and 92804. The proceeding will be docketed as No. AB-33 (Sub-No. 212X).

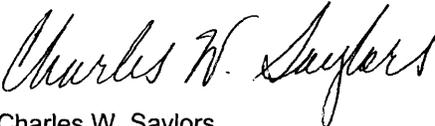
The "no business" exemption procedure will be used to abandon the Line, pursuant to the abandonment regulations of the Surface Transportation Board at 49 C.F.R. Section 1152.50. No local traffic has moved over the Line in at least two years and all overhead traffic (which there is none) on the Line can be rerouted. A Notice of Exemption will be filed with the Surface Transportation Board on or after March 8, 2004.

February 25, 2004
Page 2

Based on information in our possession, 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.

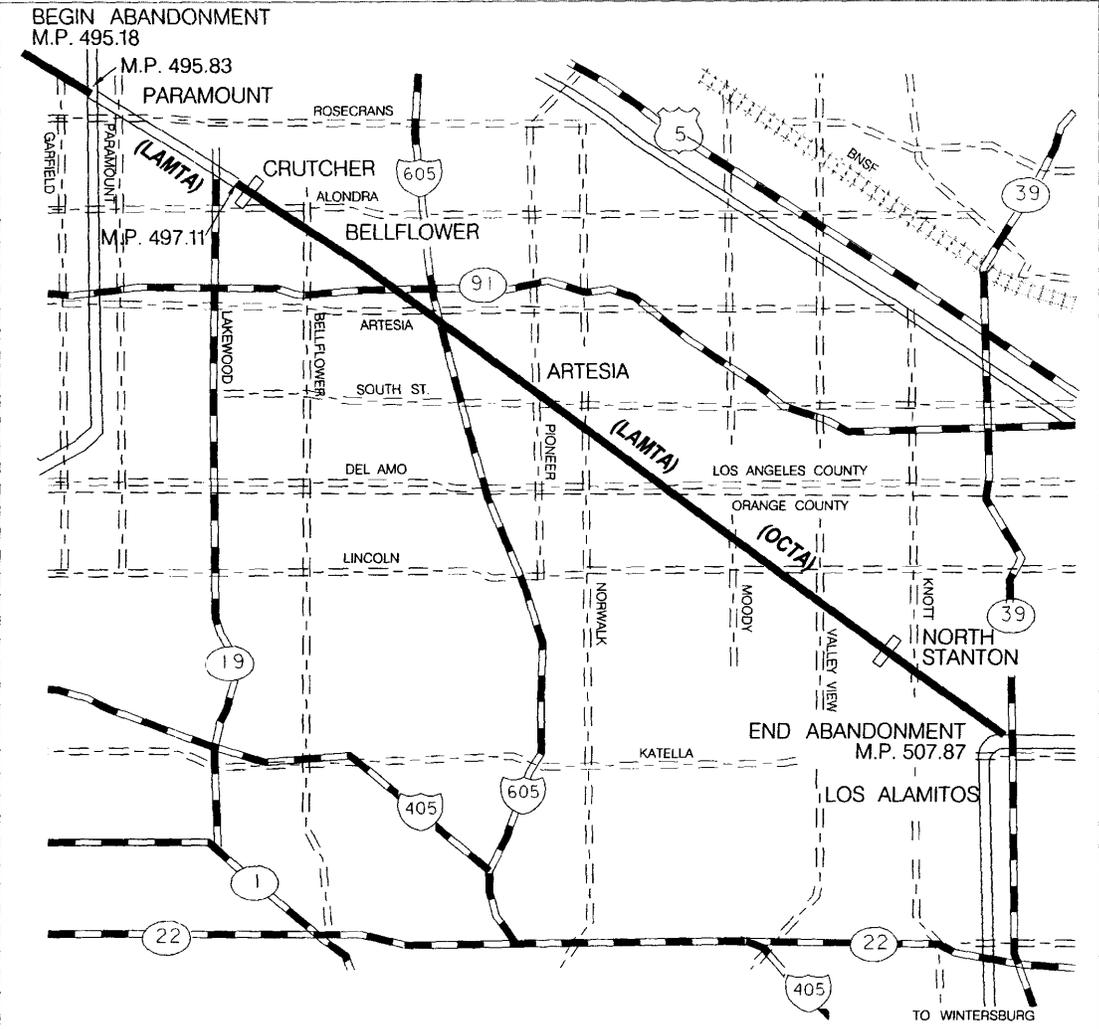
A map showing the Line to be abandoned is attached, for your information as Attachment 1.

Sincerely,



Charles W. Saylor

Attachment

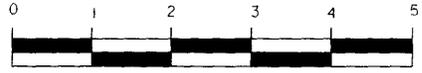


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- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- LAMTA LINES (LOS ANGELES COUNTY) AND OCTA LINES (ORANGE COUNTY) WHICH WILL BE ABANDONED.
- OTHER RAILROADS
- 50+ YEAR OLD STRUCTURES
- PRINCIPAL HIGHWAYS
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M.P. 495.18 TO M.P. 495.83
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SCALE IN MILES