

**City  
of  
YUBA CITY**

June 4, 2004

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AB-33 (Sub-No. 205K)

**FILED FEE WAIVED**

Mr. Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K St., NW, Room 711  
Washington, DC 20423

Re: Union Pacific Railroad Abandonment Exemption in Sutter County, California

Dear Mr. Williams:

This request is filed on behalf of the City of Yuba City which is a government agency interested in transportation and open space issues, hereinafter referred to as "proponent." Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between M.P. 136.38 near the Feather River Trestle to M.P. 139.77 near Colusa junction. Proponent has had initial discussions with the local Union Pacific Railroad representative, Mr. Ted Stenstrom. Mr. Stenstrom has indicated a willingness on the part of Union Pacific to support Proponent's request.

A. Public Use Condition

Proponent asks the STB to find that this property is suitable for other public use, specifically trail use and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. The justification for this condition is that the rail corridor will enable the City to connect the trail from Marysville and the Feather River, to the Sutter County trailhead, thereby greatly enhancing both the recreational and transportation uses of the trail. In addition, the corridor provides a linkage to two adjoining cities by a river crossing and provides access to the riverfront, open space and to the community of Sutter, west of Yuba City. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time because we have not had the opportunity to complete negotiations with the carrier and are attempting to secure the required funding to purchase the line.
2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, and culverts. The justification for this condition is that these structures have considerable value for recreational trail purposes and transportation uses utilizing the existing trestle structure with the levee system crossing the Feather River.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for rail banking. In addition to the public use conditions sought above, Proponent also makes the following request:

**STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY**

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. §1152.29, the City of Yuba City is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by Union Pacific Railroad.

The property, known as the Yuba City Industrial Lead, extends from railroad milepost 136.38 near the City of Marysville and the Feather River, to railroad milepost 139.77 near Colusa junction in Sutter County, California. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-33 (Sub No. 205x).

A map depicting the right-of-way is enclosed.

The City of Yuba City acknowledges that use of the right-of-way is subject to the user continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon Mack H. Shumate, Jr., Senior General Attorney, 101 North Wacker Drive, Room 1920, Chicago, IL 60606 by U.S. Mail, postage prepaid, first class, this 4<sup>th</sup> day of June 2004.

Respectfully submitted,



Jeffrey Foltz  
City Manager  
on behalf of: City of Yuba City, California

JF:cw

Enclosures: Map

