



September 1, 2004



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VIA U.P.S. OVERNIGHT

Mr. Vernon Williams
Surface Transportation Board
1925 "K" St., N.W., Room 504
Washington, DC 20423-0001

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 Mr. Williams:

On September 8, 2003, Union Pacific Railroad Company ("UP") filed a Notice of Exemption to permit UP to abandon a 2.1 mile line of railroad between Milepost 914.3 to Milepost 916.4 in Tempe, Arizona. On October 6, 2003, as amended on October 29, 2003, the City of Tempe filed for the issuance of a notice of interim trail use. On November 6, 2003, the Board issued a NITU until May 4, 2004.

The purpose of this letter is to notify the Board that on December 28, 2003, (1) UP discontinued service, and (2) the Line between Milepost 914.3 to Milepost 916.4 that was subjected to the National Trails System Act was conveyed to the City of Tempe, including the existing track structure.

The Board's Decision in the above referenced matter imposed two conditions with regard to the abandonment of the Line. The two conditions: (1) take no steps to alter the historic integrity of the ROW until completion of the Section 106 process of the National Historic Preservation Act and (2) take no steps to alter the ROW until the Section of Environmental Analysis has conducted any appropriate consultations with Indian tribes, were transferred to and assumed by the City of Tempe in accordance with the transfer of the Line under the NITU to the City of Tempe, Arizona.

ENTERED
Office of Proceedings

SEP - 2 2004

Part of
Public Record

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

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Ten (10) additional copies of this letter are enclosed for the Board's use and distribution.

Sincerely,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", with a stylized flourish at the end.

Mack H. Shumate, Jr.
Senior General Attorney

Enclosures

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