



Kirkpatrick & Lockhart Nicholson Graham LLP

213613

1800 Massachusetts Avenue, N.W.
Suite 200
Washington, DC 20036-1221
202.778.9000
Fax 202.778.9100
www.klmg.com

Edward J. Fishman
202.778.9456
Fax: 202.778.9100
efishman@klmg.com

March 24, 2005

VIA HAND DELIVERY

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

FILED

MAR 24 2005

**SURFACE
TRANSPORTATION BOARD**



**Re: Union Pacific Railroad Company – Abandonment Exemption –
In Salt Lake County, UT, STB Docket No. AB-33 (Sub-No. 195X)**

Dear Secretary Williams:

Enclosed for filing in the above-captioned proceeding are an original and ten copies of Utah Transit Authority's **Letter Requesting Issuance of a Notice of Interim Trail Use ("NITU")**, pursuant to **49 C.F.R. § 1152.29**. A check in the amount of \$200.00, representing the appropriate fee for this filing, also is enclosed. Utah Transit Authority, a public transit district organized under Utah law, hereby requests waiver and refund of the enclosed filing fee pursuant to 49 C.F.R. § 1002.2(e).

If you have any questions regarding this filing, please feel free to contact me. Thank you for your assistance.

Respectfully submitted, -

Edward J. Fishman

Attorney for Utah Transit Authority

**ENTERED
Office of Proceedings**

MAR 24 2005

**Part of
Public Record**

Enclosures



Kirkpatrick & Lockhart Nicholson Graham LLP

FREE RECEIVED

MAR 24 2005

**SURFACE
TRANSPORTATION BOARD**

1800 Massachusetts Avenue, N.W.
Suite 200
Washington, DC 20036-1221
202.778.9000
Fax 202.778.9100
www.klmg.com

March 24, 2005

Edward J. Fishman
202.778.9456
Fax: 202.778.9100
efishman@klmg.com

FILED

MAR 24 2005

**SURFACE
TRANSPORTATION BOARD**

**ENTERED
Office of Proceedings**

MAR 24 2005

**Part of
Public Record**

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

Re: Union Pacific Railroad Company – Abandonment Exemption – In Salt Lake County, UT,
STB Docket No. AB-33 (Sub-No. 195X)

Dear Secretary Williams:

This letter is filed on behalf of Utah Transit Authority (“UTA”).

UTA requests issuance of a Notice of Interim Trail Use (“NITU”) for the rail line between approximately MP 0.0 near Roper and approximately MP 2.74 near Sugarhouse (the “Subject Line”), a distance of approximately 2.74 miles in Salt Lake County, Utah.

On March 24, 2005, the Surface Transportation Board (“STB”) served and published notice that Union Pacific Railroad Company (“UP”) filed a petition for exemption under 49 CFR Part 1152, Subpart F to abandon the Subject Line. The notice provided that any request for trail use/rail banking under 49 CFR § 1152.29 must be filed no later than April 13, 2005. UTA respectfully seeks rail banking and interim trail use on the Subject Line.

UTA makes the following statement in support of its NITU request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR § 1152.29, UTA is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by UTA and formerly operated by UP.



Kirkpatrick & Lockhart Nicholson Graham LLP

Mr. Vernon A. Williams
March 25, 2005
Page 2

The property extends from approximately railroad milepost 0.0 near Roper to approximately railroad milepost 2.74 near Sugarhouse, a distance of approximately 2.74 miles in Salt Lake County, Utah. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB-33 (Sub-No. 195X).

A map of the property depicting the right-of-way is attached hereto as Attachment 1.

UTA acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on UP on the same date it is being served on the Board.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward J. Fishman', with a long, sweeping underline.

Edward J. Fishman
Counsel for Utah Transit Authority

Enclosure

cc: Mack Shumate, Union Pacific Railroad Company
Kathryn Pett, Utah Transit Authority

ATTACHMENT 1

