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April 1, 2005

**VIA U.P.S. OVERNIGHT**  
Mr. Vernon Williams, Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423-0001

ENTERED  
Office of Proceedings  
APR 10 2005  
Part of  
Public Record

**RE: Docket No. AB-33(Sub-No.195X), Union Pacific Railroad Company -  
Abandonment of the Sugar House Branch from Milepost 0.0 near Roper to  
the east of the line branch at Milepost 2.74 near Sugar House, a distance of  
2.74 miles in Salt Lake County, Utah**

Dear Mr. Williams:

The Union Pacific Railroad Company ("Union Pacific") has received a Notice of Interim Trail Use pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 regarding that portion of the Union Pacific's right-of-way known as the Sugar House Branch Line from M.P. 0.0 near Roper to the end of the branch line at M.P. 2.74 near Sugar House, a distance of 2.74 miles in Salt Lake County, Utah. The Union Pacific is willing to negotiate with the Utah Transit Authority ("UTA") concerning the acquisition of the subject property for trail use and supports the UTA's request to negotiate for a period of 180 days. A copy of the UTA's request is attached hereto as Exhibit "A" and hereby made a part hereof.

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

Very truly yours,

Enclosures

cc: Utah Transit Authority

O:\33-195X\NTU.DOC

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

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March 24, 2005

**VIA HAND DELIVERY**

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



**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

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Office of Proceedings  
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Enclosures





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March 24, 2005

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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  
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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,

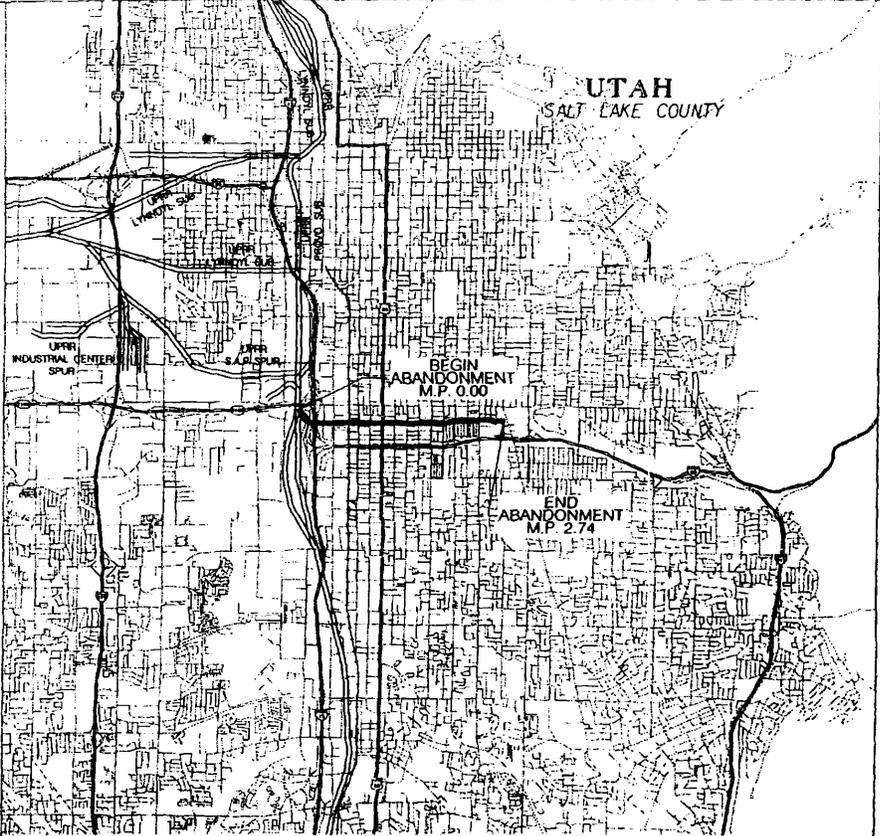
A handwritten signature in black ink, appearing to read 'Edward J. Fishman', with a long, sweeping underline.

Edward J. Fishman  
Counsel for Utah Transit Authority

Enclosure

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

ATTACHMENT 1



NOTE: THERE ARE NO 50+ YEAR OLD STRUCTURES

LEGEND

-  UPRR LINES TO BE ABANDONED (OWNED BY UTAH TRANSIT AUTHORITY)
-  OTHER UPRR LINES
-  OTHER RAILROADS
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS
-  50+ YEAR OLD STRUCTURES

SUGAR HOUSE BRANCH  
 MP 0.0      MP 2.74  
 TOTAL OF 2.74 MILES  
 IN SALT LAKE COUNTY, UTAH  
 UNION PACIFIC RAILROAD CO.  
 SUGAR HOUSE BRANCH  
 SALT LAKE CITY, UTAH  
 INCLUDING 50+ YEAR OLD STRUCTURES

SCALE  MILES

FILE: a:\abandonments\ab0344\_sugarhouse.dgn

DATE: 03-Jun-04 10:00