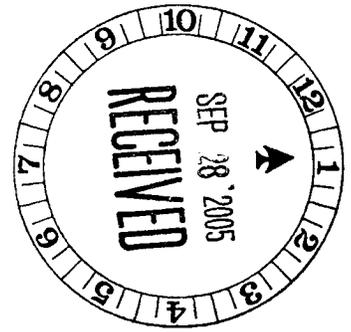


214769



September 27, 2005

**VIA U.P.S. OVERNIGHT**

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

**RE: Docket No. AB-33(Sub-No.232X), Union Pacific Railroad Company**  
- **Abandonment Exemption - - In Orange County, California,**  
- **(Tustin Industrial Lead)**

Dear Mr. Williams:

Pursuant to the Board's exemption procedures for abandonment of rail lines with no local business for at least two 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. 232X). Enclosed is a check for \$3,000.00 for the filing fee. Three (3) computer disks, in WordPerfect format, are included for the Board's use.

Sincerely,

Mack H. Shumate, Jr.

Enclosures

ENTERED  
Office of Proceedings

SEP 28 2005

Part of  
Public Record

**FILED**

SEP 28 2005

ORANGE  
SURFACE TRANSPORTATION BOARD

O:\ABANDONMENTS\33-232\STB-NOE.doc

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

Before the  
SURFACE TRANSPORTATION BOARD

---

Docket No. AB-33 (Sub-No. 232X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN ORANGE COUNTY, CALIFORNIA  
(TUSTIN INDUSTRIAL LEAD)

---

**NOTICE OF EXEMPTION**

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: September 27, 2005  
Filed: September 28, 2005

Before the  
SURFACE TRANSPORTATION BOARD

---

Docket No. AB-33 (Sub-No. 232X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN ORANGE COUNTY, CALIFORNIA  
(TUSTIN INDUSTRIAL LEAD)

---

**NOTICE OF EXEMPTION**

Union Pacific Railroad Company ("UP") submits this verified Notice of Exemption pursuant to 49 § C.F.R. 1152, Subpart F -- Exempt Abandonments and Discontinuances of Service and Trackage Rights, for an exempt abandonment of the Tustin Industrial Lead from milepost 514.84 to milepost 516.10 and from milepost 514.70 to milepost 514.90 for a total distance of 1.46 miles in the City of Orange, Orange County, California, (the "Line").

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

The abandonment is proposed to be consummated on or after November 17, 2005 (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. UP further certifies that there is no overhead traffic on the Line.

**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 abandon the Line from milepost 514.84 to milepost 516.10 and from milepost 514.70 to milepost 514.90 for a total distance of 1.46 miles. The Line is located in the City of Orange, Orange County, California.

(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 92867.

(e)(4) Rural and Community Impact. The west-east portion of the Line, milepost 514.70 to milepost 514.90, was built in 1888 by the Southern Pacific Railroad and is laid with 90-pound rail. The north-south portion of the Line, from milepost 514.84 to milepost 516.10, was constructed by the Pacific Electric in 1917 and the current rail

weight is unknown. The right-of-way is generally 40 to 50 feet wide and is level throughout the entire length of the abandonment. It is surrounded by commercial and light-industrial properties in a fully urbanized area in the City of Orange, Orange County, California. A Southern California Railroad Administration (formerly ATSF) right-of-way runs adjacent to the UP right-of-way. The right-of-way proposed for abandonment crosses three city streets, each of which is four to six lanes wide. There appears to be no reasonable alternative to the abandonment. No local traffic has moved over the Line in the past two years, and there is no overhead traffic on the Line. After abandonment, rail service will still be available on the balance of the UP Tustin line and from BNSF, which provides freight service on the Metrolink line that runs immediately parallel to the north-south portion of the Line which is the subject of this abandonment. The City of Orange, lying within the Los Angeles metropolitan area, is served by numerous major streets and highways such as State Highway 55, the Costa Mesa Freeway, a north-south route; and State Highway 22, the Garden Grove Freeway, an east-west route.

Based on information in the UP's possession, the Line proposed for abandonment does not contain federally granted right-of-way. The title to the property in the proposed abandonment is fee. There will be no effect on regional or local transportation systems and patterns and no diversion of traffic to other transportation systems or modes. The property proposed for abandonment is not suitable for public purposes such as roads, highways, or other forms of mass transportation, conservation, energy production or transmission, or recreation because there is a fully developed grid of public streets surrounding the right-of-way and no additional streets are needed. Additionally, there is currently an active railroad providing both freight and passenger

service adjacent to UP's right-of-way that satisfies the need for public rail transportation in the immediate vicinity. The City of Orange, Orange County and the Southern California Railroad Administration are all aware of UP's proposed abandonment and neither has expressed an interest in acquiring all or any portion of the Line.

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**

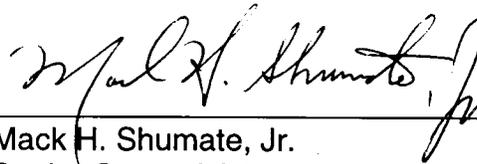
A copy of the Transmittal Letter of UP's Combined Environmental and Historic Report containing the information required by 49 C.F.R. §§ 1105.7 (e) and 1105.8, and delivered in accordance with 49 C.F.R. 1105.11, is attached hereto as **Exhibit C** and hereby made a part hereof. The original and ten (10) copies were sent to Ms. Victoria Rutson, Section of Environmental Analysis (SEA), on August 17, 2005.

The Combined Environmental and Historic Report indicates that the proposed abandonment does not involve historic properties.

Dated this 27th day of September, 2005.

Respectfully submitted,

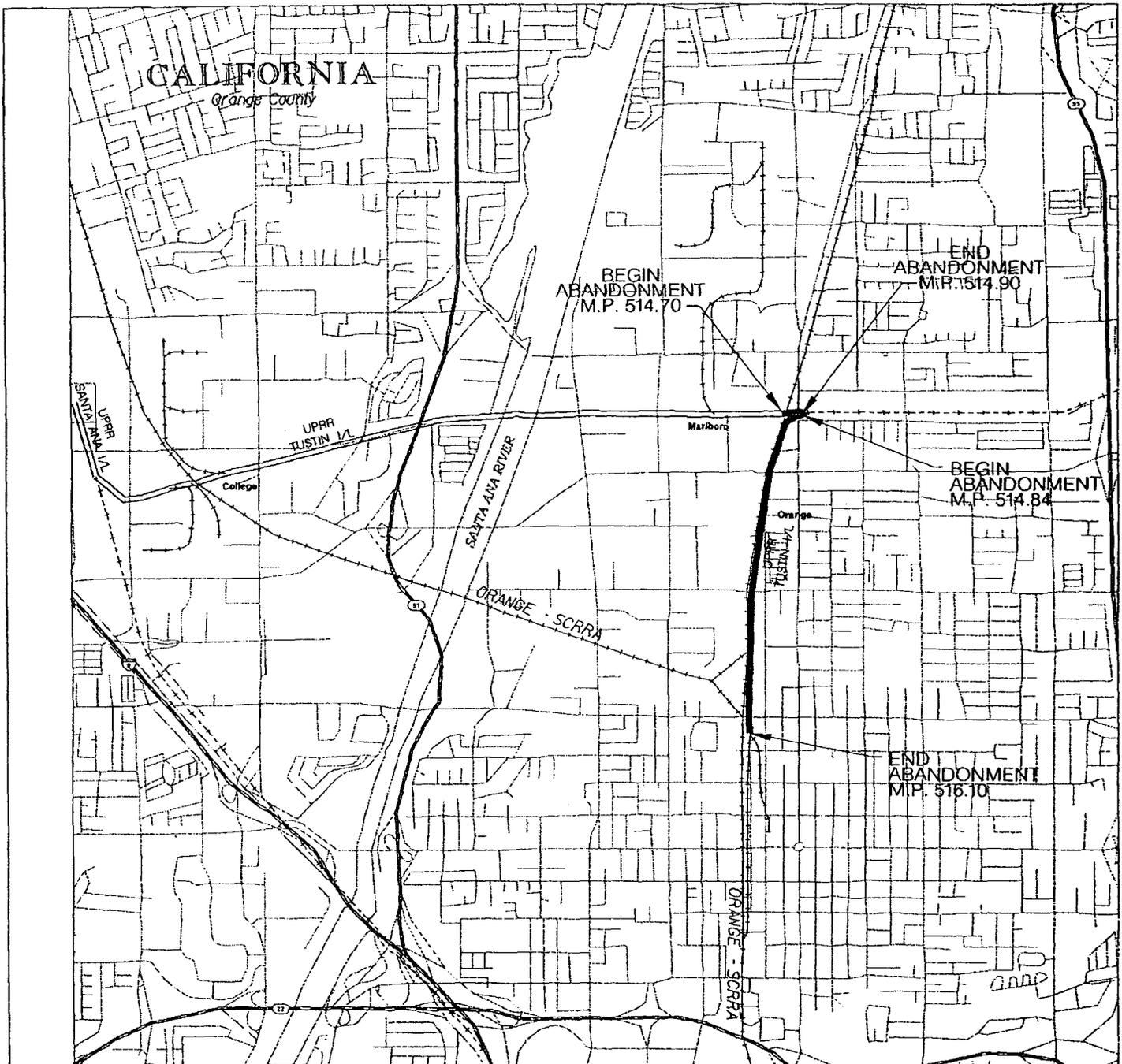
UNION PACIFIC RAILROAD COMPANY



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





NOTE: THERE ARE NO 50+ YEAR OLD STRUCTURES

LEGEND

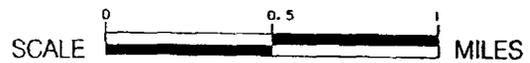
-  UPRR LINES TO BE ABANDONED
-  OTHER UPRR LINES
-  OTHER RAILROADS
-  RAILROADS (abandoned)
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS
-  50+ YEAR OLD STRUCTURES

TUSTIN INDUSTRIAL LEAD

MP 514.70 TO MP 514.90  
 MP 514.84 TO MP 516.10  
 TOTAL OF 1.46 MILES  
 IN ORANGE COUNTY, CALIFORNIA = 1.46 MILES

UNION PACIFIC RAILROAD CO.  
 TUSTIN INDUSTRIAL LEAD  
 CALIFORNIA

INCLUDING 50+ YEAR OLD STRUCTURES



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DATE: 25-Apr-05 10:06

AB-33(Sub-No. 232X)

EXHIBIT A

**DOCKET NO. AB-33 (SUB-NO. 232X)**  
**Tustin Industrial Lead in Orange County, CA**

**CERTIFICATE OF SERVICE AND PUBLICATION**

**49 C.F.R. § 1152.50(d)(1) - Notice**

The undersigned certifies that on September 2, 2005 (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 to abandon the Tustin Industrial Lead in Orange County, California in Docket No. AB-33 (Sub-No. 232X). Written notice (a copy of which is attached hereto as Attachment 1) was served on the following:

Office of Planning and Research  
1400 Tenth Street  
Sacramento, CA 95814

National Park Service  
Pacific West Region  
One Jackson Center  
1111 Jackson Street  
Suite 700  
Oakland, CA 94607

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

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

**49 C.F.R. § 1105.11 -**

The undersigned certifies that on August 18, 2005 (at least 20 days before a Notice of Exemption is filed), a Combined Environmental and Historic Report pursuant to 49 C.F.R. §§ 1105.7 and 1105.8 was served in Docket No. AB-33 (Sub-No. 232X) for abandonment of the Tustin Industrial Lead in Orange County, California on the following:

- (1) State Clearinghouse (or alternate)
- (2) State Environmental Protection Agency
- (3) State Coastal Zone Management Agency
- (4) Head of each County
- (5) U.S. Environmental Protection Agency (regional office)
- (6) U.S. Fish and Wildlife Service
- (7) U.S. Army Corps of Engineers
- (8) National Park Service
- (9) U.S. Natural Resources Conservation Service
- (10) The National Geodetic Survey
- (11) State Historic Preservation Office
- (12) Other Agencies Consulted (as listed)

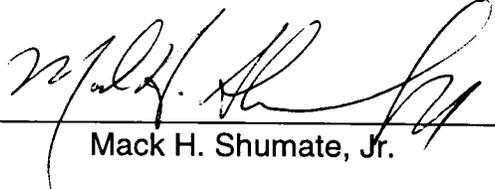
(The Certificate of Service attached to the Combined Environmental and Historic Report lists the names and addresses of the federal, state and local agencies served.

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

The undersigned further certifies that a "Notice of Intent to Abandon 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>
Orange	<i>Orange County Register</i>	September 27, 2005

Dated this 27<sup>th</sup> day of September, 2005.

  
 \_\_\_\_\_  
 Mack H. Shumate, Jr.

**FILE**

September 2, 2005

Office of Planning and Research  
1400 Tenth Street  
Sacramento, CA 95814

National Park Service  
Pacific West Region  
One Jackson Center  
1111 Jackson Street  
Suite 700  
Oakland, CA 94607

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

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

**RE: Docket No. AB-33 (Sub-No. 232X), Union Pacific Railroad Company  
- Abandonment Exemption - In Orange County, California  
(Tustin Industrial Lead)**

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 an exempt abandonment of the Tustin Industrial Lead from Milepost 514.84 to Milepost 516.10 and from Milepost 514.70 to Milepost 514.90, a distance of 1.46 miles in Orange County, California (the "Line").

The Line traverses U. S. Postal Service Zip Code 92867. The proceeding will be docketed as No. AB-33 (Sub-No. 232X).

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 there is no overhead traffic on the Line. A Notice of Exemption will be filed with the Surface Transportation Board on or after September 12, 2005.

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.

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

September 2, 2005  
Page 2

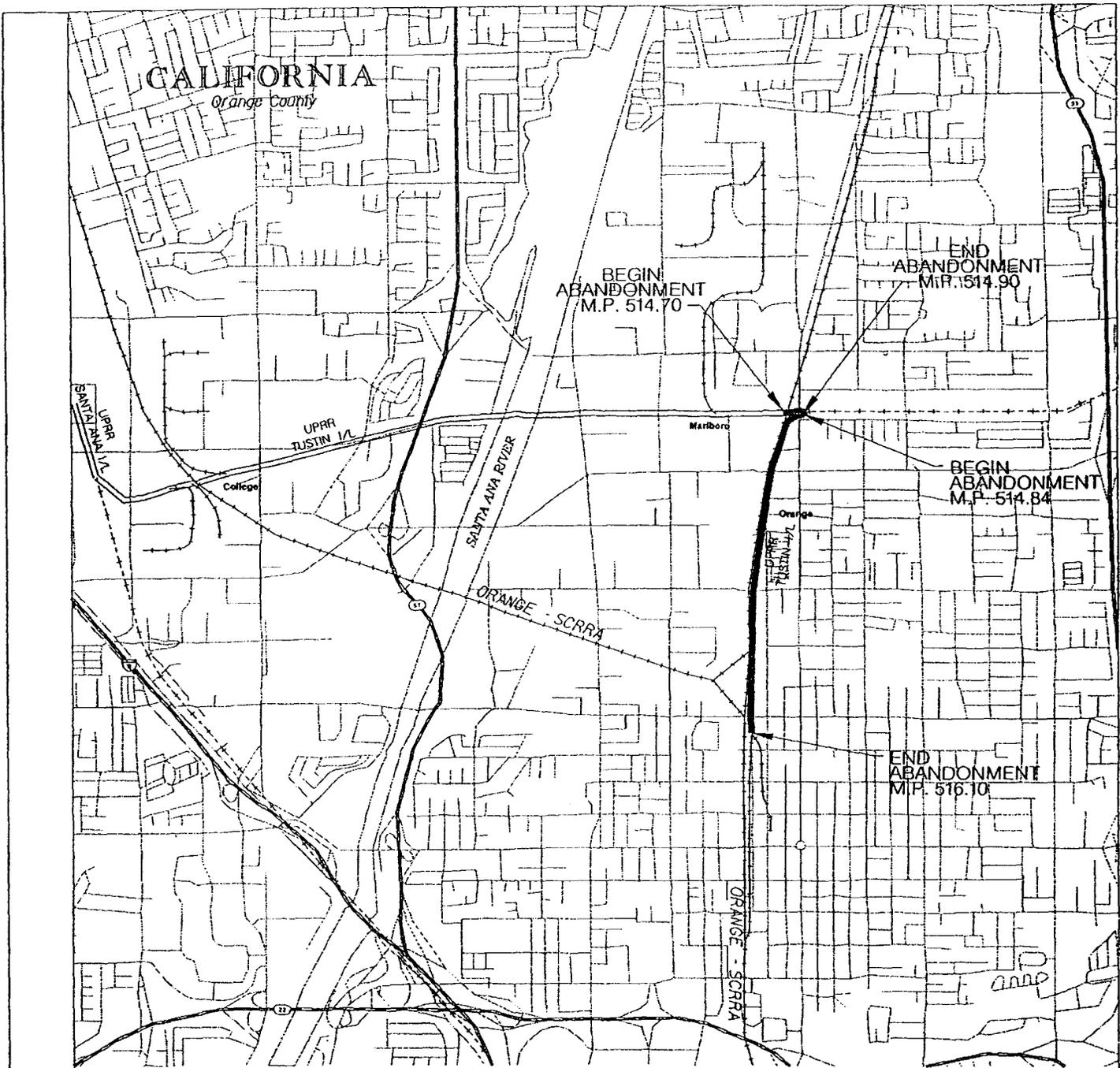
A map showing the Line to be abandoned is attached, for your information as Attachment 1.

Sincerely,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", written in a cursive style.

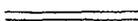
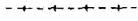
Mack H. Shumate, Jr.  
Senior General Attorney

Attachment



NOTE: THERE ARE NO 50+ YEAR OLD STRUCTURES

LEGEND

-  UPRR LINES TO BE ABANDONED
-  OTHER UPRR LINES
-  OTHER RAILROADS
-  RAILROADS (abandoned)
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS
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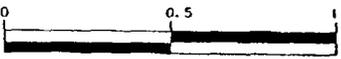
TUSTIN INDUSTRIAL LEAD

MP 514.70 TO MP 514.90  
MP 514.84 TO MP 516.10  
TOTAL OF 1.46 MILES

IN ORANGE COUNTY, CALIFORNIA = 1.46 MILES

UNION PACIFIC RAILROAD CO.  
TUSTIN INDUSTRIAL LEAD  
CALIFORNIA

INCLUDING 50+ YEAR OLD STRUCTURES

SCALE  MILES

FILE: q:\abandonments\ab0354\_justin.dgn

DATE: 25-Apr-05 10:06

AB-33 (Sub-No. 232X)



August 17, 2005

**VIA U.P.S. OVERNIGHT**

Surface Transportation Board  
Section of Environmental Analysis  
1925 "K" St., N.W., Room 504  
Washington, DC 20423-0001

**Attention:** Victoria Rutson

**RE: Docket No. AB-33(Sub-No.232X), Union Pacific Railroad Company**  
- **Abandonment Exemption - - In Orange County, California,**  
- **(Tustin Industrial Lead)**

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Notice of Exemption in this matter on or after September 7, 2005.

Sincerely,

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

Enclosures

O:\ABANDONMENTS\33-232\STB-EHR.doc

**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