

216327



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



April 20, 2006

VIA U.P.S. OVERNIGHT DELIVERY

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

FILED
APR 21 2006
SURFACE TRANSPORTATION BOARD

RE: Proposed Abandonment of the Tyler Industrial Lead from Milepost 0.25 near Troup to Milepost 7.50 near Whitehouse, a distance of 7.25 miles in Smith County, Texas; STB Docket No. AB-33 (Sub-No. 223X)

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. 223X). Enclosed is a credit authorization voucher in the amount of \$3,000.00 for the filing fee. Three (3) computer disks, in Word format, are included for the Board's use.

Sincerely yours,

FEE RECEIVED

APR 21 2006

SURFACE TRANSPORTATION BOARD

ENTSE
Office of Proceedings
APR 21 2006
Part of
Public Record

Enclosures

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Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 223X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN SMITH COUNTY, TEXAS
(TYLER INDUSTRIAL LEAD)

ENTERED
Office of Proceedings

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Public Record

NOTICE OF EXEMPTION

FILED

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**SURFACE
TRANSPORTATION BOARD**

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: April 20, 2006
Filed: April 21, 2006

FEE RECEIVED

APR 21 2006

**SURFACE
TRANSPORTATION BOARD**

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 223X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN SMITH COUNTY, TEXAS
(TYLER 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 Tyler Industrial Lead from milepost 0.25 near Troup to milepost 7.50 near Whitehouse, a distance of 7.25 miles in Smith County, Texas (the "Line").

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

The abandonment is proposed to be consummated on or after June 10, 2006 (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. Use of the Line in the last two years has been limited to the placement and removal of stored rail

cars. The Line lost its function as an overhead route to Tyler at the time of the merger between Union Pacific Railroad Company and Southern Pacific Rail Corporation et., al. ("SP") when the SP line reaching that station supplanted the Line proposed for abandonment. 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 0.25 near Troup to milepost 7.50 near Whitehouse, a distance of 7.25 miles. The Line is located in Smith County, Texas.

(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 75789 and 75791.

(e)(4) Rural and Community Impact. The Line was constructed in 1872 by the Houston & Great Northern Railroad. It is currently constructed with 115-pound and 112-pound welded rail laid down in 1969.

After abandonment, rail service would be available from UP at the ends of the proposed abandonment at Whitehouse and Troup. The Line is paralleled by Texas Route 110, which connects with U. S. Route 69, a north-south route, in Tyler approximately nine miles northwest; and with Texas Route 135 at Troup.

The right-of-way considered for abandonment totals 148.50 acres, with 129.50 acres being non-reversionary and 19 being reversionary. The largest piece of reversionary property is located between Mileposts 6.50 – 7.50, which consists of approximately 17 acres. This property was acquired through the court by judgment. The acquisition documents are over 100 years old. The average width of the right-of-way is 150 – 200 feet for the non-reversionary portion, and 100 feet for the reversionary portion. The right-of-way is at grade level running Northeast and is heavily wooded crossing the Mud River, the Kickapoo River and various other small creeks along the way. The surrounding country has very rural characteristics, being mostly farm and ranch land with gently rolling hills and many trees. A large portion of the land is used to graze livestock. As the rail line nears the town of Whitehouse, the surrounding country becomes more urban in nature.

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. The Line could be a possible candidate for a trail under the Rails-to-Trails statute; however, at this time, UP has not received any

inquiries regarding a trail. If the property were not used as a trail, then the highest and best use of the right-of-way would be that of adjacent land usage.

Based on information in the UP's possession, the Line proposed for abandonment does not contain federally granted right-of-way. There will be no effect on regional or local transportation systems and patterns and no diversion of traffic to other transportation systems or modes.

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

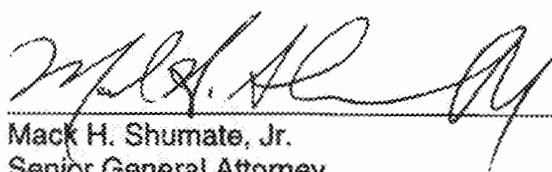
A copy of the Transmittal Letter of UP's Combined Environmental and Historic Report containing the information required by 49 C.F.R. §§ 1105.7 (e) and 1105.8, and delivered in accordance with 49 C.F.R. 1105.11, is attached hereto as **Exhibit C** and hereby made a part hereof. The original and ten (10)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

Ms. Victoria Rutson, Section of Environmental Analysis (SEA), on February 24, 2006. The Combined Environmental and Historic Report indicates that all structures over fifty (50) years in age affected by the proposed abandonment were included when this line was proposed for abandonment in conjunction with the UP-SP merger in 1996 (reference AB-3 (Sub-No. 134X). The State Historic Preservation Officer was supplied with photos of the bridge structure that were fifty (50) years old or older at that time. In response, the State Historic Preservation Officer by letter dated August 9, 2004, determined that no historic properties were affected by the proposed abandonment and that the project could proceed. A copy of this letter was included with the UP Combined Environmental and Historic Report filed on February 27, 2006.

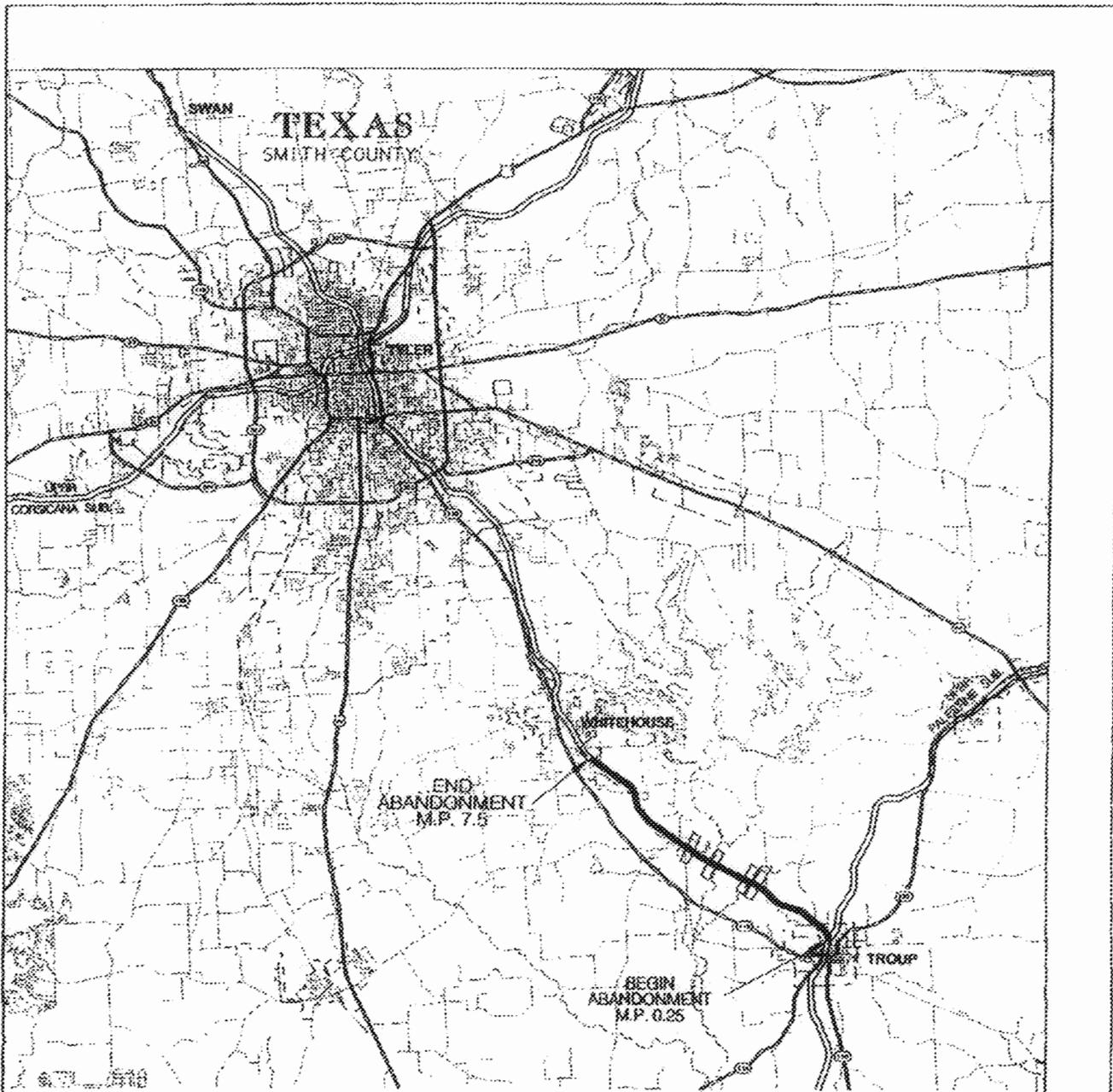
Dated this 20th day of April, 2006.

Respectfully submitted,

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



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
2.6	27 SPAN TYPED	307'	1958
2.7	4 SPAN BRIDGE	32'	1952
3.0	30 SPAN TYPED	508'	1940
4.3	10 SPAN TYPED	136'	1944

LEGEND

- LINE TO BE ABANDONED
- OTHER UPRR LINES
- 50+ YEAR OLD STRUCTURES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

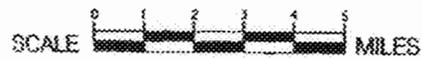
DATE: 22-Jun-04 0738

TYLER INDUSTRIAL LEAD

MP 0.25 TO MP 7.50
 TOTAL OF 7.25 MILES
 IN SMITH COUNTY, TEXAS

UNION PACIFIC RAILROAD CO.

TYLER INDUSTRIAL LEAD
 TROUP, TEXAS TO WHITEHOUSE, TEXAS
 INCLUDING 50+ YEAR OLD STRUCTURES



FILE: a:\abandonments\ab0346_tyler.dgn



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

Exhibit B
AB-33 (Sub-No. 223X)

DOCKET NO. AB-33 (SUB-NO. 223X)
Tyler Industrial Lead in Smith County, TX

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) - Notice

The undersigned certifies that on March 20, 2006 (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 Tyler Industrial Lead in Smith County, Texas in Docket No. AB-33 (Sub-No. 223X). Written notice (a copy of which is attached hereto as Attachment 1) was served on the following:

Public Utility Company
of Texas
1701 North Congress Avenue
PO Box 13326
Austin, Texas 78711-3326

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

National Park Service
Intermountain Region
12795 Alameda Parkway
Denver, CO 80228

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 February 27, 2006 (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. 223X) for abandonment of the Tyler Industrial Lead in Smith County, Texas 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)

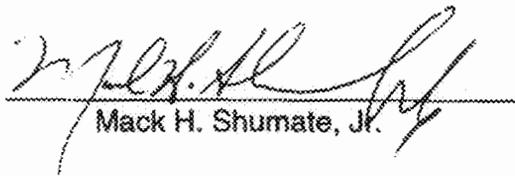
(The Certificate of Service attached to the Combined Environmental and Historic Report lists the names and addresses of the federal, state and local agencies served.

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>
Smith	<i>Tyler Courier-Times-Telegraph</i>	March 12, 2006

Dated this 20th day of April, 2006.



 Mack H. Shumate, Jr.

FILE COPY



February 24, 2006

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: Proposed Abandonment of the Tyler Industrial Lead from Milepost 0.25 near Troup to Milepost 7.50 near Whitehouse, a distance of 7.25 miles in Smith County, Texas; STB Docket No. AB-33 (Sub-No. 223X)

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 Petition for Exemption in this matter on or after March 20, 2006.

Sincerely,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", written over a horizontal line.

Enclosures

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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