



Gabriel S Meyer
Assistant General Attorney

220341

September 26, 2007



VIA U.P.S. OVERNIGHT

The Honorable Vernon Williams
Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

FILED

SEP 27 2007

TRANSPORTATION BOARD

**RE: Docket No. AB-33 (Sub-No. 247X)—Exempt Abandonment of the
Homedale Industrial Lead from Milepost 2.0 to Milepost 11.4 in
Malheur County, Oregon**

Dear Secretary 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 247X)
Enclosed is a credit authorization voucher in the amount of \$3,200.00 for the filing fee
Please contact me if you have any questions

Sincerely,

Gabriel S. Meyer

FEE RECEIVED

SEP 27 2007

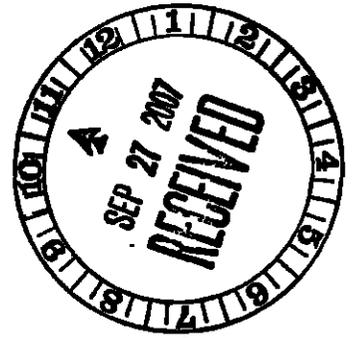
**SURFACE
TRANSPORTATION BOARD**

Enclosures

Before the
SURFACE TRANSPORTATION BOARD

Docket No AB-33 (Sub-No 247X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN MALHEUR COUNTY, OREGON
(HOMEDALE INDUSTRIAL LEAD)



220341

NOTICE OF EXEMPTION

FILED

SEP 27 2007

SURFACE
TRANSPORTATION BOARD

ENTERED
Office of Proceedings

SEP 27 2007

Part of
Public Record

UNION PACIFIC RAILROAD COMPANY
Gabriel S Meyer
Assistant General Attorney
1400 Douglas Street
STOP 1580
Omaha, NE 68179
(402) 544-1658
(402) 501-3393 (FAX)

FEE RECEIVED

SEP 27 2007

SURFACE
TRANSPORTATION BOARD

Dated
Filed

September 26, 2007
September 27, 2007

Before the
SURFACE TRANSPORTATION BOARD

Docket No AB-33 (Sub-No 247X)

UNION PACIFIC RAILROAD COMPANY
– ABANDONMENT EXEMPTION --
IN MALHEUR COUNTY, OREGON
(HOMEDALE 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 Homedale Industrial Lead from milepost 2 0 near Nyssa to milepost 11 4 near Adrian, a distance of 9 4 miles in Malheur County, Oregon (the "Line")

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

The discontinuance and abandonment are proposed to be consummated on or after November 16, 2007 (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 UP further certifies 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 The

subject Line has not been used for freight traffic for at least two years There is no overhead traffic over the Line Therefore, there is no necessity to reroute any traffic

Additional Information Required: 49 C.F.R. 1152.22(a)(1)-(4), (7)-(8) and (e)(4)

(a) General

(a)(1) The railroad's 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 2 0 near Nyssa to milepost 11 4 near Adrian, a distance of 9 4 miles in Malheur County, Oregon

(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

Gabriel S Meyer
Assistant General Attorney
1400 Douglas Street
STOP 1580
Omaha, NE 68179
(402) 544-1658
(402) 501-3393 (FAX)

(a)(8) ZIP Code The Line traverses U S Postal Service Zip Code 97901

(e)(4) Rural and Community Impact

The Line was constructed in the years 1911 through 1913 by the Oregon Short Line Railroad The Line is comprised of the original 75-pound jointed rail

After abandonment, the closest rail service would be UP at Nyssa, just north of the abandonment limits. The Line is paralleled by Oregon State Highway 201, a north-south route which connects to Interstate 84 at Ontario, OR approximately 15 miles north of the Nyssa end of the proposed abandonment limits.

UP does not believe the property is suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, in that the area is adequately served by existing roads and utility lines. Two portions of the Line near Nyssa are adjacent to the Snake River. The Line crosses the Owyhee River and there are numerous intermittent streams and sloughs located near the right-of-way. There is already an electric power transmission line in the area. The right-of-way could be used for a recreation trail, although it is located in a sparsely populated area.

There are no shippers on the Line, and no commodities have originated or terminated on the Line for over two years. There is no overhead traffic over the Line. No complaints regarding cessation of service have been filed at the Board, are pending, or have been decided in favor of a complainant within the past two years. Based upon information in the UP's possession, the Line contains no federally granted right-of-way. The majority of the right-of-way proposed for abandonment was acquired by warranty deed so UP holds fee title to most of the Line. Two segments of the Line were obtained by a decree of condemnation and would be considered reversionary upon abandonment. Any documentation in UP's possession will be made available promptly 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 ("CEHR") 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 23, 2007 The CEHR indicates that the proposed abandonment does not involve historic properties

Dated this 26th day of September, 2007

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



Gabriel S Meyer
Assistant General Attorney
1400 Douglas Street
STOP 1580
Omaha, NE 68179
(402) 544-1658
(402) 501-3393 (FAX)

**DOCKET NO. AB-33 (SUB-NO. 247X)
Homedale Industrial Lead in Malheur County, Oregon**

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) - Notice

The undersigned certifies that on September 17, 2007 (at least 10 days before a Notice of Exemption is filed), written notice was given of Union Pacific Railroad Company's intent to use the exemption notice procedure to abandon service over the Homedale Industrial Lead from milepost 2 0 near Nyssa to milepost 11 4 near Adrian, a distance of 9 4 miles in Malheur County, Oregon in Docket No AB-33 (Sub-No 247X) Written notice (a copy of which is attached hereto as Attachment 1) was served on the following

Public Utility Commission of Oregon
550 Capitol Street N E , Suite 215
Salem, OR 97301-2551

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

U S Dept of Agriculture
Chief of the Forest Service
4th Floor, N W Auditors Bldg
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 23606-2575

49 C.F.R. § 1105.11 - Combined Environmental and Historic Report

The undersigned further certifies that on August 23, 2007 (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 247X) for abandonment and discontinuance of the abandon and discontinue service over the Homedale Industrial Lead in Malheur County, Oregon 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>
Malheur	<i>Malheur Enterprise</i>	September 26, 2007

Dated this 26th day of September, 2007


Charles W Saylor



Gabriel S Meyer
Assistant General Attorney

August 23, 2007

VIA U.P.S. OVERNIGHT

Surface Transportation Board
Section of Environmental Analysis
395 E Street, SW
Washington, DC 20423

Attention: Victoria Rutson

**Re: Proposed Abandonment of the Homedale Industrial Lead, from
Milepost 2.0 to Milepost 11.4; STB Docket No. AB-33 (Sub-No. 247X)**

Dear Ms Rutson

Enclosed for filing in the above-referenced matter is the original and ten (10) copies of Union Pacific Railroad Company's Combined Environmental and Historic Report prepared pursuant to 49 C F R Sections 1105 7 and 1105 8, with a Certificate of Service and a transmittal letter pursuant to 49 C F R Section 1105 11

Union Pacific anticipates filing a Notice of Exemption in this matter on or after September 21, 2007 Please do not hesitate to contact me if you have any questions

Sincerely,

A handwritten signature in black ink that reads "Gabriel S Meyer".

Gabriel S Meyer

Enclosures

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