



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

October 31, 2007

Vernon Williams  
Surface Transportation Board  
395 E Street S.W., Room 1149  
Washington, DC 20423-0001

Re: **Proposed Abandonment Exemption from M. P. 0.0 near Terminal Junction to M. P. 4.1 near Mockingbird Lane in Dallas County, Texas; STB Docket No. AB-33 (Sub-No. 256X), Trinity Industrial Lead; and AB-585 (Sub-No. 2X)**

Dear Mr. Williams:

This is in response to the letter dated September 14, 2007 from the City of Dallas, Texas ("City of Dallas"), a copy of which is attached hereto as Exhibit A seeking imposition of a Public Use Condition and requesting a Notice of Interim Trail Use for the Trinity Industrial Lead. The Union Pacific Railroad Company ("Union Pacific") understands that a public use condition as a matter of law will be imposed in accordance with 49 U.S.C. 10905 and that Union Pacific will be prohibited from disposing any portion of the Line for 180 days. However, the Union Pacific at this time does not support the City of Dallas' Notice of Interim Trail Use for any portion of the Line.

An original and ten (10) copies of this letter are enclosed for the Board's further use and distribution.

Very truly yours,

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

Mack H. Shumate, Jr.

Enclosure

cc: Louis E. Gitomer, Esq.  
City of Dallas

O:\Abandonments\33-Sub-No.256X\STB-002



September 14, 2007

Surface Transportation Board  
395 E Street, SW  
Washington, D.C 20423-0001

Mr. Mack H. Shumate, Jr  
101 North Wacker Drive, Room 1920  
Chicago, IL 60606

Mr Louis E Gitomer  
600 Baltimore Ave , Ste. 301  
Towson, MD 21204

ENTERED  
Office of Proceedings

SEP 17 2007

Part of  
Public Record

Ladies and Gentlemen.

Re SIB Docket No AB33 (Sub No 256X) and AB585 (Sub No 2X)

It has just come to the attention of the City of Dallas that Union Pacific Railroad (UP) and Dallas Garland & Northeastern Railroad Company (DGNO) have jointly filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C 10903 UP seeks to abandon and DGNO seeks to discontinue service over the Trinity Industrial Lead, between milepost 0 0 near Terminal Junction and milepost 4.1 near Mockingbird Lane, a distance of 4 1 miles in the City of Dallas, Dallas County , Texas

The City of Dallas has not been previously contacted by any parties on this matter Pursuant to 49 U.S.C 10905 and 49 CFR 1152.28, the City of Dallas wishes to hereby register its interest in the subject 4 1 mile long tract of property (which we understand to vary in width from 41 5 feet to 100 feet) for one or more of the following public purposes pursuant to 16 U.S.C 1247 and 49 CFR 1152.29

- 1) A rails-to-trails corridor
- 2) Possible conversion of the property and the existing track to a passenger line as part of a new modern street car system currently being studied in Dallas.
- 3) Portions thereof may be needed for possible R.O.W for a new road system being constructed as part of the City's Trinity River Corridor Project (for the main portion of the Woodall Rodgers extension across the new Margaret Hunt Hill Bridge and/or for approach ramps for that road as well as for the proposed Trinity Parkway).



- 4) Portions of the R O W may be needed for the City in order to facilitate construction of a new "Baker Pumping Station" as part of the City's upgraded internal drainage system
  
- 5) Portions of the R O W may be needed to expand and/or reconfigure portions of the existing internal drainage sump system which runs intermittently along the entire length of the east levee of the Trinity River

The City of Dallas is currently involved in a massive Trinity River Corridor Project involving improved flood protection, traffic congestion relief, creation of an environmental corridor (made up of lakes, parks, trails, and nature preserves), and significant economic development upgrade potential. This 4.1 mile R O W which runs along the toe of the east levee could be used for several important public purposes along the east levee

The City hereby submits its check for the \$200.00 filing fee for a trail use request, in addition to indicating its strong interest in the property for one or more of the above mentioned public uses. The City of Dallas, pursuant to 49 U.S.C. 10905 requests that the Board prohibit disposal of the line for 180 days and require that the line be offered for sale for public purposes. The City of Dallas also requests an oral hearing on the application for abandonment pursuant to 49 CFR 1152.25 (d)(6)(i)

#### 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 49CFR 1152.29, the City of Dallas 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 Union Pacific Railroad and operated by Dallas Garland and Northeastern Railroad. The property, known as Trinity Industrial Lead, extends from railroad milepost 0.0 near Terminal Junction, to railroad milepost 4.1, near Mockingbird Lane, a distance of 4.1 miles in the City of Dallas, Dallas County, Texas. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB-33 (Sub-No. 256X) and AB585 (Sub-No. 2X)

A map of the property depicting the right-of-way is attached.

The City of Dallas 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 the railroad(s) on the same date as it being served on the Board.

STB Docket No AB33 (sub No 256X) and AB 585 (Sub No 2X)

September 14, 2007

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Thank you for your consideration. If you have any questions please contact Paul Lehner, Director of Planning and Development for the Trinity River Corridor Project at 214-671-8983 or John Rogers, Esq, City Attorney's Office at 214-670-1275

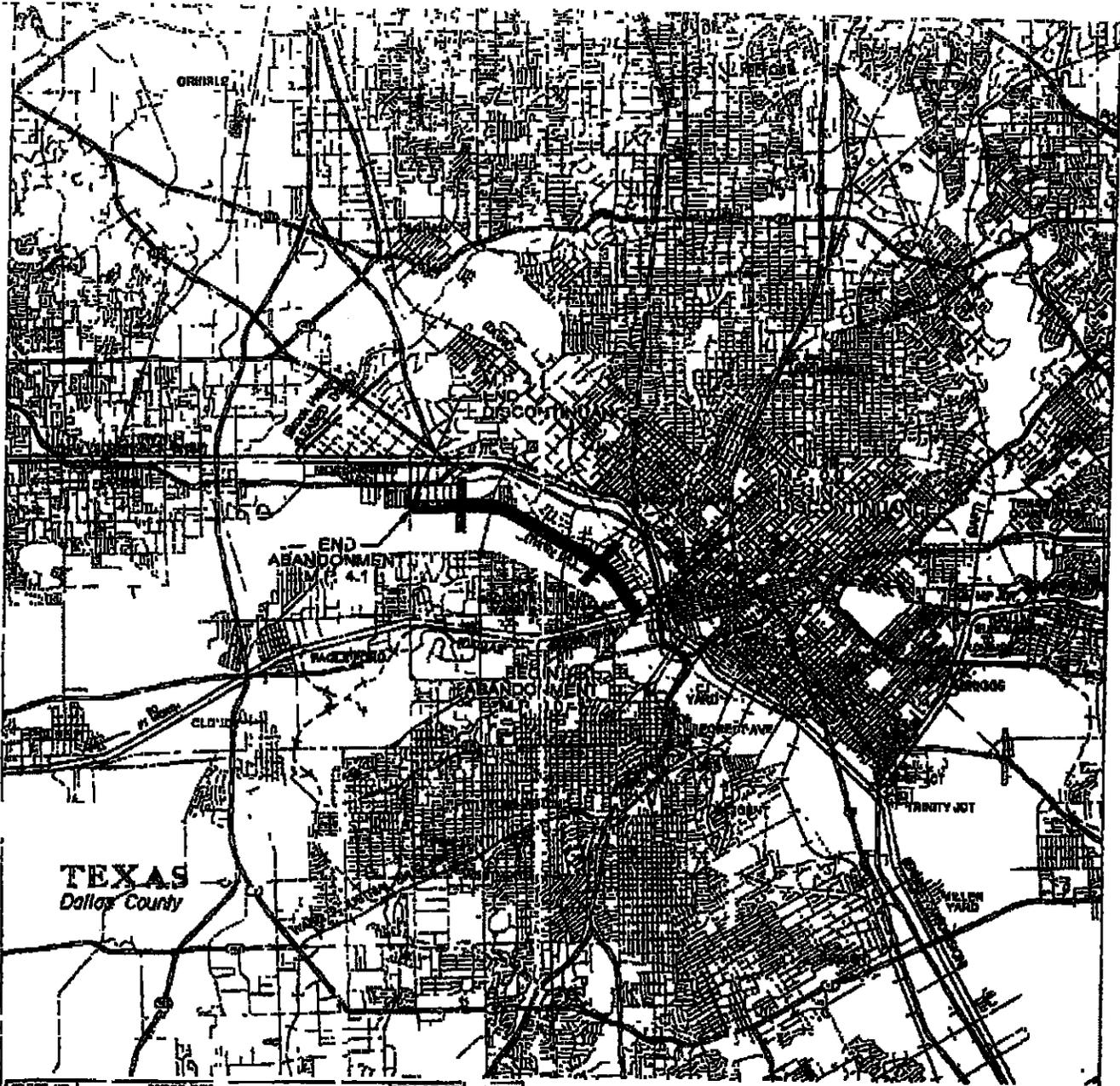
Sincerely,



Jill A. Jordan, P.E.  
Assistant City Manager

Enclosure    Map of Trinity Industrial Lead  
Check for \$200.00 filing fee (Surface Transportation Board only)

c:    Mayor Tom Leppert  
      Mary K. Suhm, City Manager  
      Councilmember Dave Neumann, Chairman, Trinity River Committee  
      Paul M. Lehner, Director, Planning & Development, Trinity River Corridor  
      John Rogers, Esq, City Attorney's Office  
      Dallas County Commissioners  
      Gary C. Thomas, President & Executive Director, Dallas Area Rapid Transit  
      Kathryn Nichols, National Parks Service  
      James Randall, Director of Transportation, Planning & Programming, TxDOT  
      Colonel Christopher Martin, U.S. Army Corps of Engineers



TEXAS  
Dallas County

ENCLOSURE NO.	OPTION TYPE	TOTAL LENGTH	DATE
104	1. BROAD BRIDGE PLANT, BROADWAY-PALMVIEW OVER CRYSTAL	27	1978
	2. BROAD BRIDGE PLANT, BROADWAY-PALMVIEW OVER CRYSTAL	104	1988
26	10. BROAD BRIDGE PLANT, BROADWAY-PALMVIEW OVER CRYSTAL	107	2000

**LEGEND**

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

**TRINITY INDUSTRIAL LEAD**

UP D.O. TO MP 4.1  
TOTAL OF 4.1 MILES  
IN DALLAS COUNTY

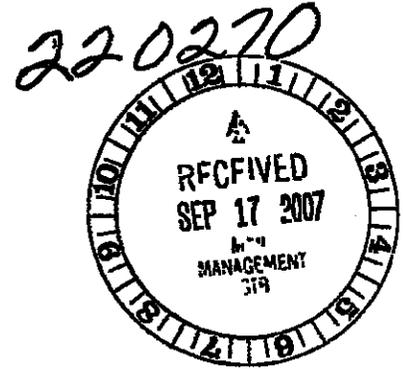
UNION PACIFIC RAILROAD CO  
DALLAS, GARLAND & NORTHEASTERN RR, LESSEE  
TRINITY INDUSTRIAL LEAD  
TEXAS

INCLUDING 50+ YEAR OLD STRUCTURES

SCALE  MILES

FILE: G:\abandonments\ab33\_256\_trinity\_vb.dwg

GATE 30-May-01 14 25



September 14, 2007

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395 E Street, SW  
Washington, D.C 20423-0001

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101 North Wacker Drive, Room 1920  
Chicago, IL 60606

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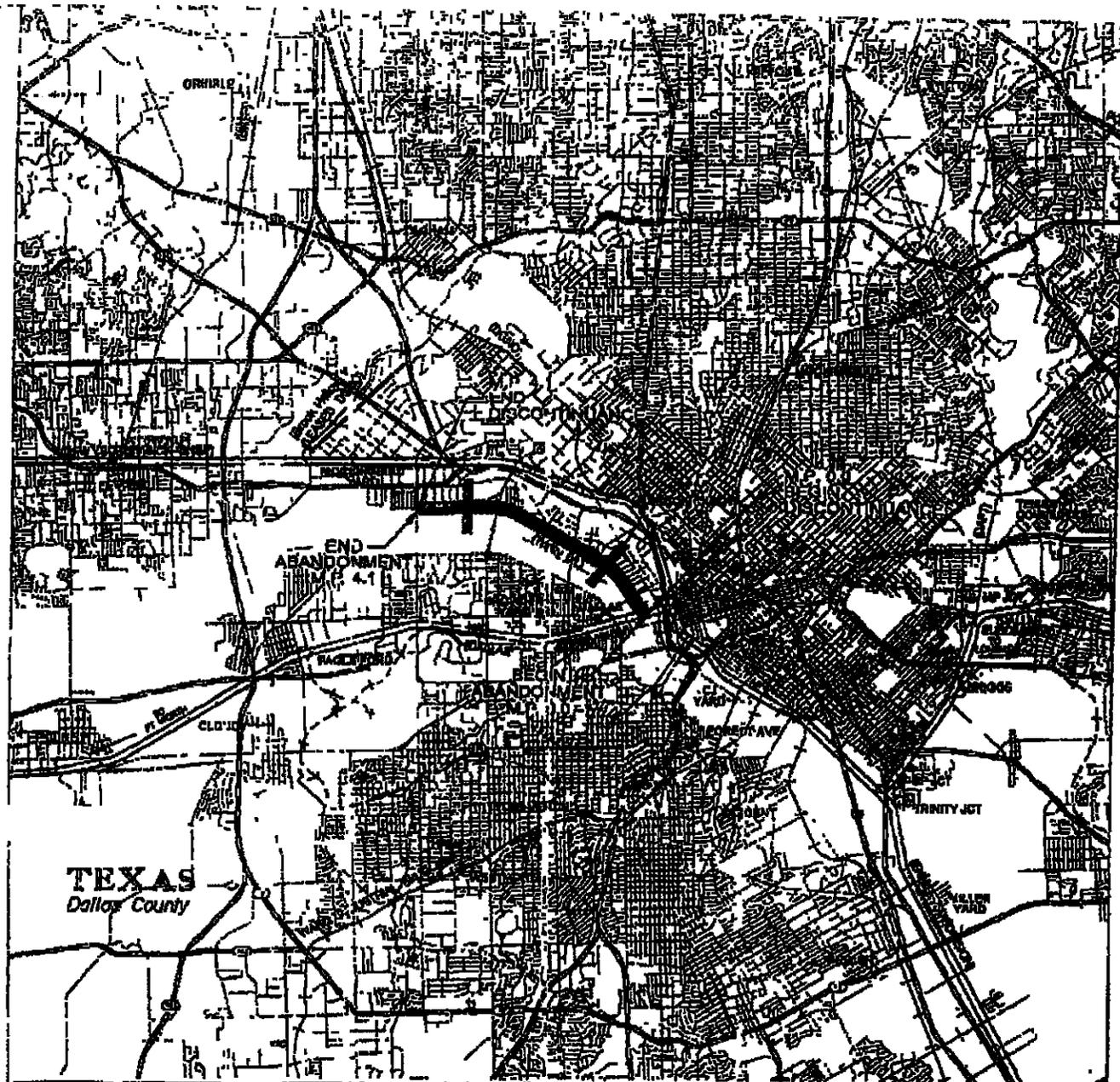
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Kathryn Nichols, National Parks Service  
James Randall, Director of Transportation, Planning & Programming, TxDOT  
Colonel Christopher Martin, U.S. Army Corps of Engineers



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
188	1 BRAN BRCK PLATE GIDER-RAILWAY DECK (CP)	87	1926
189	1 BRAN BRCK TRUSS PLATE GIRDER DECK (CP)	104	1926
24	1 BRAN BRCK TRUSS PLATE GIRDER DECK (CP)	107	1926

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-  OTHER UPRR LINES
-  OTHER RAILROADS
-  RAILROADS (abandoned)
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INCLUDING 50+ YEAR OLD STRUCTURES



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