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

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JAN 23 2008

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Public Record

January 28, 2008

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

FEE RECEIVED
JAN 28 2007
SURFACE
TRANSPORTATION BOARD

Re: Proposed Abandonment of the Sinton Industrial Lead from M. P. 122.82 in Sinton to M. P. 121.30 in San Patricio County, Texas; STB Docket No. AB-33 (Sub-No. 244X)

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. 244X). Enclosed is a credit authorization voucher in the amount of \$3,200.00 for the filing fee.

Sincerely yours,

Mack H. Shumate, Jr.

FILED
JAN 28 2007

Enclosures
**SURFACE
TRANSPORTATION BOARD**

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Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 244X)

**UNION PACIFIC RAILROAD COMPANY
– ABANDONMENT EXEMPTION –
IN SAN PATRICIO COUNTY TEXAS
(SINTON 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: January 28, 2008
Filed: January 29, 2008

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 244X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN SAN PATRICIO COUNTY, TEXAS
(SINTON 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 *Sinton Industrial Lead from Milepost 122.82 to Milepost 121.30 near Sinton Junction, a distance of 1.52 miles in San Patricio 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 March 19, 2008 (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 122.82 to Milepost 121.30 near Sinton Junction, a distance of 1.52 miles. The Line is located in San Patricio 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 78387.

(e)(4) **Rural and Community Impact.** The Line was originally constructed by the San Antonio and Aransas Pass railway in 1890. The Line was re-laid primarily in the 1970's with continuous welded rail segments in a variety of rail weights ranging from 110 to 136 pounds per yard.

After abandonment, the closest rail service would be available from UP and BNSF at Sinton via UP's Houston to Brownsville main line Sinton lies at the

intersection of U.S. Routes 77, a north-south route, and 181, an east-west route. Route 77 also accesses Interstate 37 approximately 16 miles south of Sinton.

UP does not believe the property is suitable for 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 at the present time. Based on information in UP's possession, the Line does not contain federally granted right-of-way. Any documentation in UP's possession will be made available to those requesting it.

Based on information in 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 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.

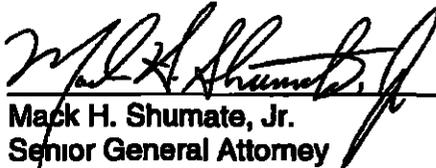
Environmental and Historic Report

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 November 20, 2007. 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 stamped letter dated December 22, 2006, 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 November 21, 2007

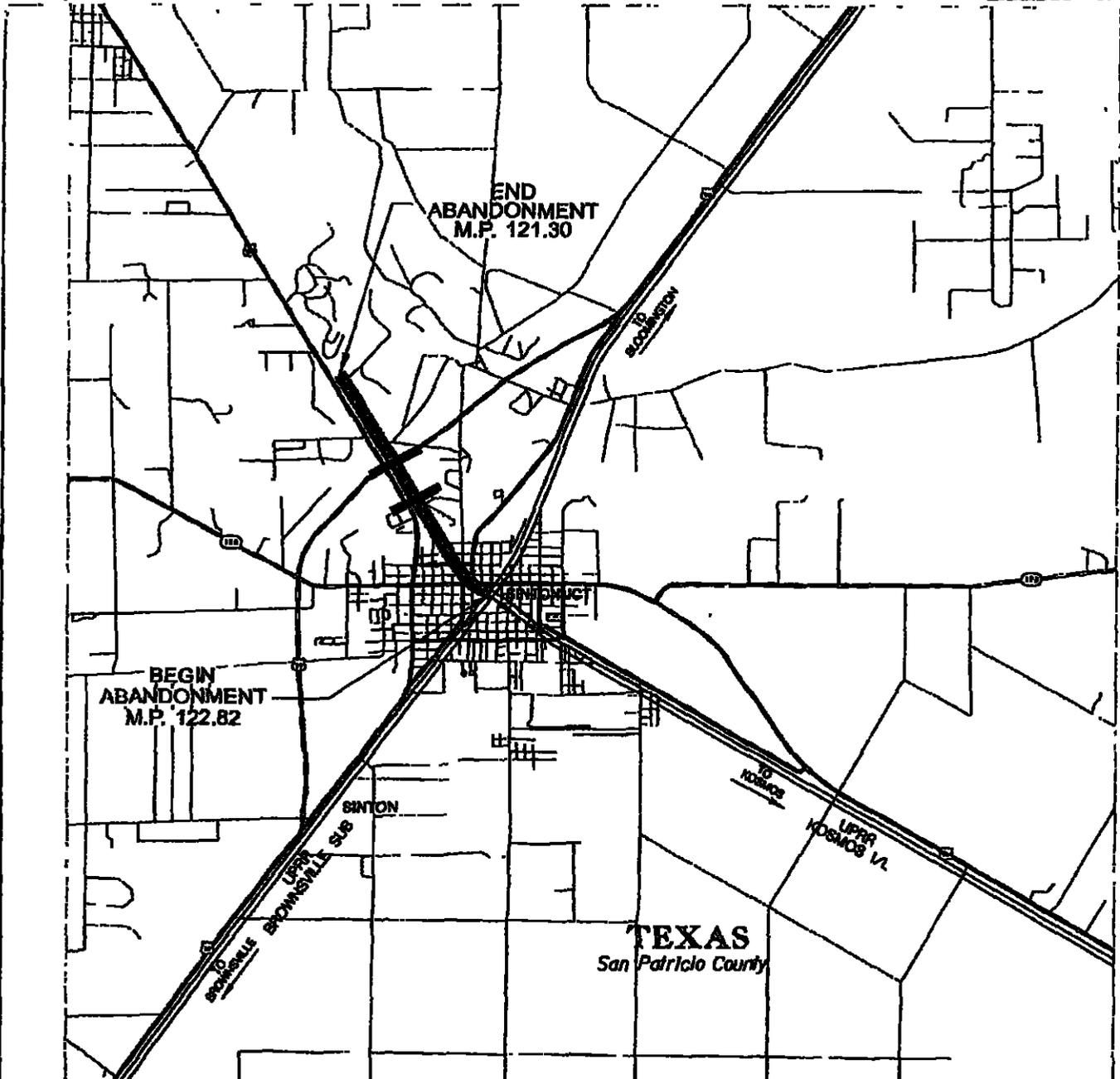
Dated this 28th day of January, 2008.

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	BRIDGE LENGTH	DATE
122.82	3 SPAN RAIL TIEBACK PLUS TRESSLE OPEN DECK (TPROD)	77	1908
121.30	3 SPAN RAIL TIEBACK PLUS TRESSLE OPEN DECK (TPROD)	87	1908

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

SINTON INDUSTRIAL LEAD

MP 121.30 TO MP 122.82
TOTAL OF 1.52 MILES
IN SAN PATRICIO COUNTY

UNION PACIFIC RAILROAD CO.
SINTON INDUSTRIAL LEAD
TEXAS

INCLUDING 50+ YEAR OLD STRUCTURES

SCALE MILES

FILE: O:\abandonment\5ab0244_sintonv8.dgn

DATE: 29-Aug-06 10 28

**DOCKET NO. AB-33 (SUB-NO. 244X)
Sinton Industrial Lead in San Patricio County, Texas**

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) - Notice

The undersigned certifies that on December 10, 2007 (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 and discontinue service on the Sinton Industrial Lead from Milepost 122.82 to Milepost 121 30 near Sinton Junction, a distance of 1.52 miles in San Patricio County, Texas in Docket No. AB-33 (Sub-No 244X). Written notice (a copy of which is attached hereto as Attachment 1) was served on the following:

Public Utility Commission
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 Street & 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 November 20, 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. 244X) for

abandonment and discontinuance of the Sinton Industrial Lead in San Patricio 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>
San Patricio	<i>Aranas Pass Progress</i>	December 26, 2007

Dated this 28th day of January, 2008.


Mack H. Shumate, Jr.

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

November 20, 2007

VIA UPS OVERNIGHTSurface Transportation Board
Section of Environmental Analysis
1925 "K" Street, N.W. Room 504
Washington, DC 20423-0001

Attention: Victoria Rutson

**Re: Proposed Abandonment of the Sinton Industrial Lead from M. P. 122.82 In
Sinton to M. P. 121.30 in San Patricio County, Texas; STB Docket No. AB-33
(Sub-No. 244X)**

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket are 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 December 11, 2007.

Enclosed are ten (10) copies of the Combined Environmental and Historic Report for the Board's further use and distribution.

Sincerely yours,

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

Enclosures

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