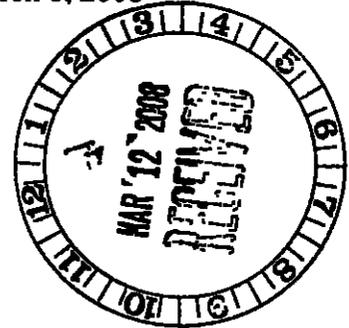


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March 6, 2008

Hon Anne K Quinlan
Acting Secretary
Surface Transportation Board
395 F Street, SW
Washington, DC 20423



271800

Dear Secretary Quinlan

Enclosed are the original and ten copies of the Petition for Trails Use/Rail Banking Condition of The Metropolitan Transit Authority of Harris County, Texas, filed February 25, 2008, in STB Docket No AB-33 (Sub-No 253X). Union Pacific Railroad Company--Abandonment Exemption--In Colorado and Wharton Counties, TX, corrected to include a clause in the Statement of Willingness to Assume Financial Responsibility inadvertently omitted

I apologize for the error and for any inconvenience it may have occasioned.

ENTERED
Office of Proceedings

MAR 12 2008

Part of
Public Record

Sincerely yours,


Fritz R Kahn

enc

cc Mack H Shumate, Jr , Esq
Cassie B Stinson. Esq

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

SIB Docket No AB-33 (Sub-No 253X)

22/800

UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN COLORADO AND WHARTON COUNTIES, TX

PETITION FOR TRAIL USE/RAIL BANKING CONDITION
OF
THE METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS

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Attorneys for

THE METROPOLITAN TRANSIT AUTHORITY
OF HARRIS COUNTY, TEXAS

Due and dated February 25, 2008

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No AB-33 (Sub-No 253X)

**UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN COLORADO AND WHARTON COUNTIES, TX**

**PETITION FOR TRAIL USE/RAIL BANKING CONDITION
OF
THE METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS**

Petitioner. The Metropolitan Transit Authority of Harris County, Texas, ("METRO"), pursuant to 16 U S C 1247(d), 49 C F R 1152.29, and the Board's Notice, served February 15, 2008, supports the proposed abandonment by the Union Pacific Railroad Company ("UP") of its Chesterville Industrial Lead, extending between Milepost 52.9 near Chesterville and Milepost 61.2 near Eagle Lake in Colorado and Wharton Counties, Texas, and asks that the abandonment authorization be conditioned to allow METRO and UP 180 days to negotiate the terms and conditions for METRO's acquisition of UP's property interest in the line for trails use/rail banking

METRO is the owner of the real estate underlying the railroad line and of the tracks, ties and other improvements of the Chesterville Industrial Lead, having acquired them and the remainder of the Bellaire Subdivision, between Milepost 3.48 near Bellaire Junction in Houston and Milepost 61.2 at Eagle Lake, subject to the grant to UP of a permanent and unconditional easement enabling UP to continue to render railroad service on the line, in accordance with the decision of the Board's predecessor, the Interstate

Commerce Commission, in Metro Transit Auth of Harris County, TX--Declar Order, 9 I C C 2d 559 (1993).

As the ICC noted in its decision, 9 I C.C 2d at 562. METRO sought "the purchase of these rights-of-way [to] guarantee that the properties will continue to be available to meet future community passenger transportation needs should [UP's] operations over these lines be discontinued "

UP ceased operating over the preponderance of the Bellaire Subdivision, between Milepost 3 48 near Bellaire Junction in Houston and Milepost 52 9 near Chesterville, and METRO acquired the UP's property interests in the line for trails use/rail banking, pursuant to the Board's Decision and Certificate of Interim Trail Use or Abandonment in STB Docket No AB-33 (Sub-No. 156), Union Pacific Railroad Company--Abandonment--In Harris, Fort Bend, Austin, Carbon and Colorado Counties, TX, served November 8, 2000

UP now has determined to discontinue operations over the remaining 8 3 miles of the Bellaire Subdivision the real estate underlying the railroad line and the tracks, ties and other improvements of which are owned by METRO, namely the Chesterville Industrial Lead, between Milepost 52 9 near Chesterville and Milepost 61 2 near Eagle Lake, a map of which is attached

Statement of Willingness to Assume
Financial Responsibility

In order to establish interim trail use and rail banking under the National Trails System Act, 16 U.S.C. 1247(d), and 49 C.F.R. 1152.29, METRO is willing to assume full responsibility for the management of, for any legal liability arising out of the transfer or use of (unless the use 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 and what had been the UP's property interest in the subject railroad line. The railroad line extends between Milepost 52.9 near Chesterville and Milepost 61.2 near Eagle Lake, a distance of 8.3 miles in Colorado and Wharton Counties, Texas. The UP's property interest in the railroad line is proposed to be abandoned by UP, pursuant to its Notice of Exemption, filed January 28, 2008. A map of the railroad line depicting the right-of-way is attached.

METRO acknowledges that use of the right-of-way is subject to the user's continuing obligation to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail use.

A copy of this statement is being served on the UP on the same date is being filed with the Board.

Respectfully submitted,

THE METROPOLITAN TRANSIT AUTHORITY
OF HARRIS COUNTY, TEXAS

By its attorneys,

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Due and dated February 25, 2008



PROJECT NO.	PROJECT NAME	DATE	STATUS
0001	1.0000 000 0000 000 0000 0000 0000 0000	00	000
0002	1.0000 000 0000 000 0000 0000 0000 0000	00	000
0003	1.0000 000 0000 000 0000 0000 0000 0000	00	000
0004	1.0000 000 0000 000 0000 0000 0000 0000	00	000
0005	1.0000 000 0000 000 0000 0000 0000 0000	00	000

LEGEND

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

CHESTERVILLE INDUSTRIAL LEAD
 MP 62.9 TO MP 61.2
 1.0 MILES IN COLORADO COUNTY
 0.3 MILES IN WARTON COUNTY
 TOTAL OF 1.3 MILES

UNION PACIFIC RAILROAD CO
CHESTERVILLE INDUSTRIAL LEAD
TEXAS
 INCLUDING 50+ YEAR OLD STRUCTURES

SCALE MILES

FILE: G:\abandonment\ab0253_Chesterville_v8.dwg MODEL: abandonment DATE: 05-Feb-07 08:04

CERTIFICATE OF SERVICE

I certify that I this day served the foregoing Petition for Trails Use/Rail Banking Condition of The Metropolitan Transit Authority of Harris County, Texas, upon the Union Pacific Railroad Company by facsimile transmitting a copy to its attorney, Mack H Shumate, Jr, Esq at (312) 777-2063



Fritz R Kahn