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Gabe S. Meyer
Assistant General Attorney

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Public Record

June 12, 2009

Via Electronic Filing

The Honorable Anne Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

RE: STB Docket No. AB-33 (Sub-No. 278X)--Abandonment of the McHenry Industrial Lead, from Milepost 21.25 to Milepost 26.43 in San Joaquin and Stanislaus Counties, California

Dear Secretary Quinlan:

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), attached is Union Pacific Railroad Company's Verified Notice of Exemption, including a Certificate of Service and Publication. UP is submitting its payment form for the \$3,700 filing fee separately via fax.

Please contact me if you have any questions.

Sincerely,

Gabriel S. Meyer

Enclosures

FEE RECEIVED

JUN 12 2009

**SURFACE
TRANSPORTATION BOARD**

FILED

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**SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 278X)

UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN SAN JOAQUIN and STANISLAUS COUNTIES, CALIFORNIA
(MCHENRY INDUSTRIAL LEAD)

Notice of Exemption

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)

Dated and filed: June 12, 2009

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 278X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN SAN JOAQUIN and STANISLAUS COUNTIES, CALIFORNIA
(MCHENRY 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 service on the McHenry Industrial Lead from Milepost 21.25 near Escalon to Milepost 26.43 near McHenry, a total distance of 5.18 miles in San Joaquin and Stanislaus Counties, California (the "Line").

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

The abandonment is proposed to be consummated on or after August 1, 2009 (at least 50 days after filing the Notice of Exemption).

Certification: 49 C.F.R. 1152.50(b)

UP certifies that no local or overhead traffic has moved over the Line for at least two years. Therefore, there is no need to reroute any traffic. 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 is pending either with the Board or any U.S. District Court, or has been decided in favor of the complainant within the two-year period.

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 McHenry Industrial Lead from Milepost 21.25 to Milepost 26.43, a total distance of 5.18 miles in San Joaquin and Stanislaus Counties, California.

(a)(4) A map showing the location of the Line in relation to other rail lines, highways, and major roads in the area is attached as **Exhibit 1**.

(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 Codes. The Line traverses U.S. Postal Service Zip Codes 95320 and 95356.

(e)(4) Rural and Community Impact.

The right-of-way proposed for abandonment could be suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. However, due to the

limited population base in the area, there appears to be no need for such uses of the right-of-way.

The Line contains a limited amount of reversionary property. Based upon information in UP's possession, the Line does not contain any federally granted rights-of-way. Any documentation in UP's possession will be made available to those requesting it.

After the proposed abandonment, the closest available rail service to McHenry would be available from both UP and BNSF Railway Company ("BNSF") at Escalon, and from the Modesto and Empire Traction Company, UP, and BNSF at Modesto. The McHenry area is also well served by local roads, and California Route 99 is located approximately 5 miles west of McHenry.

No local traffic has moved over the Line during the past two years, and no overhead or passenger traffic uses the Line. No complaint regarding cessation of service has been filed, is pending, or has been ruled upon in favor of a complainant during the prior two years.

A map of the Line is attached as **Exhibit No. 1**.

Labor Protection

The interests of railroad employees will be protected by the conditions discussed in Oregon Short Line Railroad Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979).

Certifications

Attached as **Exhibit No. 2** 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

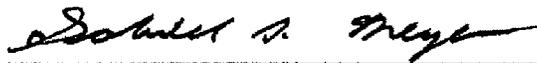
A copy of the Transmittal Letter that accompanied UP's combined Environmental and Historic Report ("EHR"), containing the information required by 49 C.F.R. §§ 1105.7

(e) and 1105.8, and delivered in accordance with 49 C.F.R. § 1105.11, is attached as **Exhibit No. 3**. The original and ten (10) copies of UP's EHR were filed with Ms. Victoria Rutson, Section of Environmental Analysis (SEA), on May 19, 2009. The EHR indicated that the proposed abandonment does not involve historic properties.

Dated this 12th day of June, 2009.

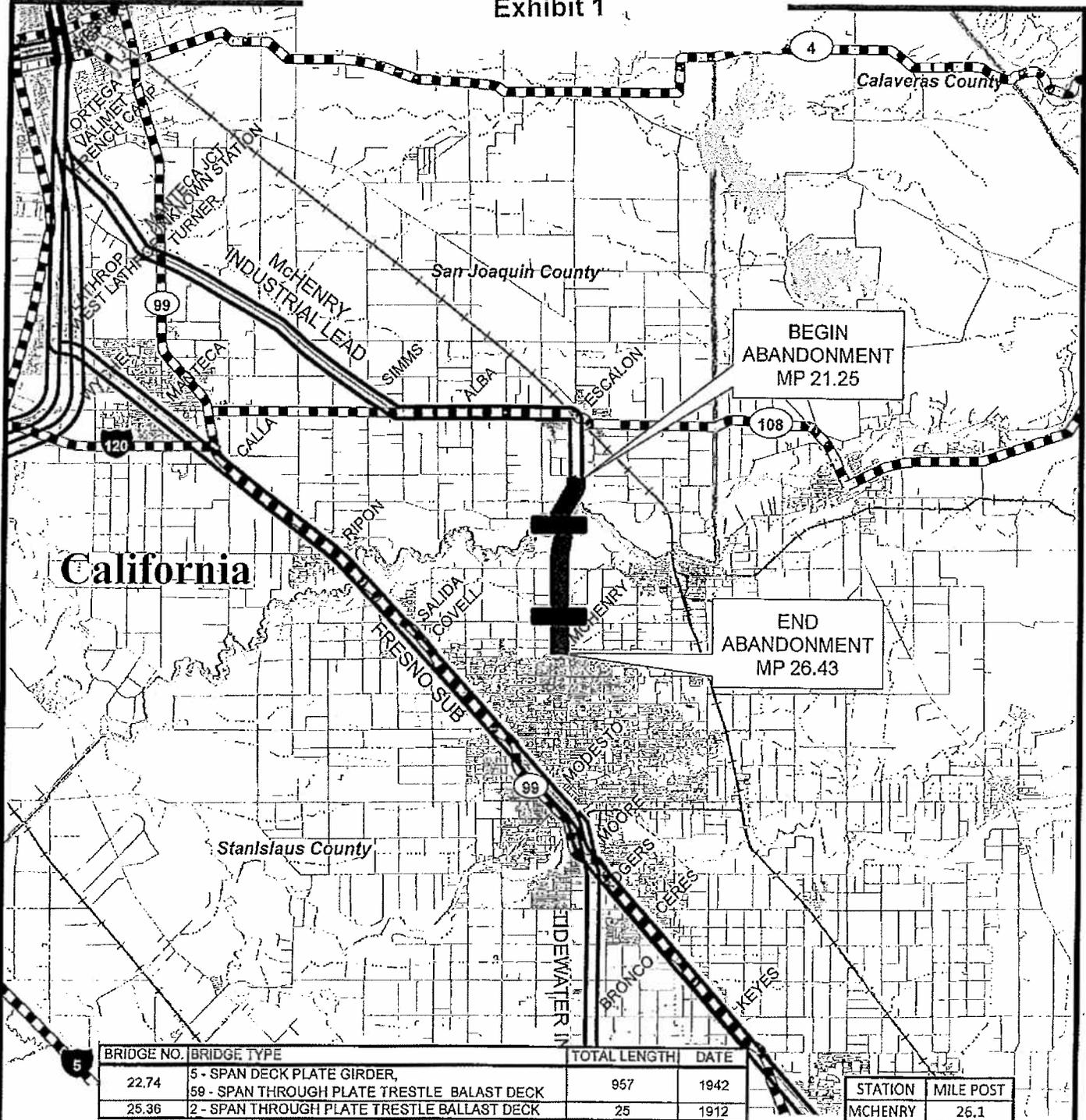
Respectfully submitted,

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)

Exhibit 1



BEGIN
ABANDONMENT
MP 21.25

END
ABANDONMENT
MP 26.43

BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
22.74	5 - SPAN DECK PLATE GIRDER,	957	1942
	59 - SPAN THROUGH PLATE TRESTLE BALAST DECK		
25.36	2 - SPAN THROUGH PLATE TRESTLE BALLAST DECK	25	1912

STATION	MILE POST
MCHENRY	26.1

Legend

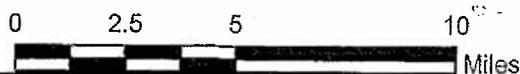
- 50 + YEAR OLD STRUCTURES
- UPRR TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- PRINCIPAL HIGHWAYS
- OTHER ROADS

MCHENRY INDUSTRIAL LEAD

MP 21.25 TO MP 26.43
TOTAL OF 5.18 MILES IN CALIFORNIA,
IN SAN JOAQUIN COUNTY = 1.53 MILES
IN STANISLAUS COUNTY = 3.63 MILES

UNION PACIFIC RAILROAD CO.
MCHENRY INDUSTRIAL LEAD
CALIFORNIA

INCLUDING 50+ YEAR OLD STRUCTURES



**UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN SAN JOAQUIN and STANISLAUS COUNTIES, CALIFORNIA
(MCHENRY INDUSTRIAL LEAD)**

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) - Notice

The undersigned certifies that on May 29, 2009 (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 McHenry Industrial Lead from Milepost 21.25 to Milepost 26.43, a total distance of 5.18 miles in San Joaquin and Stanislaus Counties, California in Docket No. AB-33 (Sub-No. 278X). Written notice (a copy of which is attached) was served on the following:

California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102-3298

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—Environmental and Historic Report

The undersigned certifies that on May 19, 2009 (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. 278X) for abandonment and discontinuance of the McHenry Industrial Lead in San Joaquin and Stanislaus Counties, California 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)

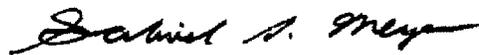
(The Certificate of Service attached to the Combined Environmental and Historic Report lists the names and addresses of the federal, state and local agencies served.)

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 each county in which the Line is located, as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
San Joaquin	Westside Advance	June 3, 2009
Stanislaus	Modesto Bee	June 4, 2009

Dated this 12th day of June, 2009.



Gabriel S. Meyer



Gabe S. Meyer
Assistant General Attorney

May 29, 2009

California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102-3298

National Park Service
Recreation Resources Assistance
Division
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

**RE: Proposed Abandonment of the McHenry Industrial Lead, from
Milepost 21.25 Milepost 26.43 in San Joaquin and Stanislaus
Counties, California—STB Docket No. AB-33 (Sub-No. 278X)**

Dear Sir or Madam:

Please be advised that Union Pacific Railroad Company ("UP") expects to file with the United States Surface Transportation Board ("STB"), on or after June 10, 2009, a notice of an exempt abandonment on a portion of a line of railroad known as the McHenry Industrial Lead, located in San Joaquin and Stanislaus Counties, California, extending from Milepost 21.25 near Escalon to Milepost 26.43 near McHenry (the "Line"). The Line traverses U.S. Postal Service zip codes 95320 and 95356.

The "no business" exemption procedure will be used to abandon the Line, pursuant to the STB's abandonment regulations at 49 C.F.R. §1152.50. No local traffic has moved over the Line for at least two years and there is no overhead traffic on the Line. A Notice of Exemption to abandon service on the Line pursuant to 49 C.F.R. § 1152.50 (no local traffic for at least two years) will be filed with the STB on or after June 10, 2009.

Based on information in UP's possession, the Line does not contain federally granted rights-of-way. Any documentation in UP's possession will be made available promptly to those requesting it.

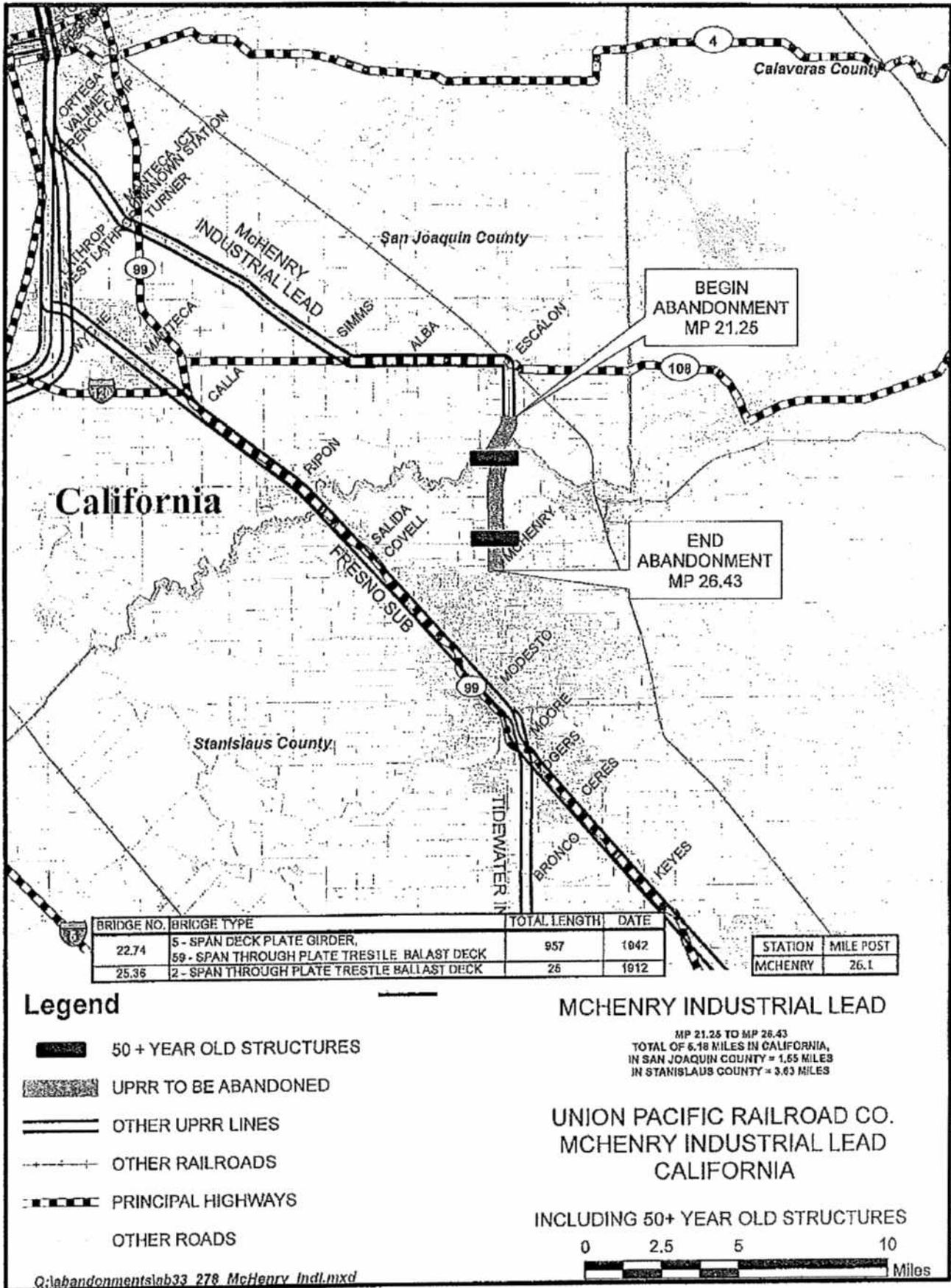
A map showing the segment of Line to be abandoned is attached for your information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gabriel S. Meyer".

Gabriel S. Meyer
Assistant General Attorney

Attachment



California

BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
22.74	5 - SPAN DECK PLATE GIRDER,	957	1942
25.36	59 - SPAN THROUGH PLATE TRESTLE BALLAST DECK	26	1912
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STATION	MILE POST
MCHENRY	26.1

Legend

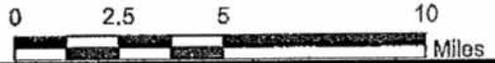
- 50 + YEAR OLD STRUCTURES
- UPRR TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- PRINCIPAL HIGHWAYS
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MCHENRY INDUSTRIAL LEAD

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 IN STANISLAUS COUNTY = 3.53 MILES

**UNION PACIFIC RAILROAD CO.
 MCHENRY INDUSTRIAL LEAD
 CALIFORNIA**

INCLUDING 50+ YEAR OLD STRUCTURES



Q:\abandonments\lab33_278_McHenry_Indl.mxd

Exhibit 3

May 15, 2009

Via First Class Mail

State Clearinghouse (or alternate):

Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

State Environmental Protection Agency:

California Environmental Protection Agency
1001 I Street
Sacramento, CA 95814

**State Coastal Zone Management Agency
(if applicable):**

California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

Head of each County:

San Joaquin County Supervisor
Courthouse Room 701
222 E. Weber Ave
Stockton, CA 95202

Stanislaus County Supervisor
1010 10th Street, Suite 6700
Modesto, CA 95354

**Environmental Protection Agency
(Regional Office):**

U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 8
2800 Cottage Way W-2606
Sacramento, CA 95825

U.S. Army Corps of Engineers:

U. S. Army Corps of Engineers,
Sacramento District
1325 J Street
Sacramento, CA 95814

National Park Service:

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

U.S. Natural Resources Conservation Service:

State Conservationist
Natural Resource Conservation Service
4625 W Jennifer Ave., Ste. 109
Fresno, CA 93722

National Geodetic Survey:

National Geodetic Survey
SSMC-3 #9209
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

California Department of Parks and Recreation
Office of Historic Preservation
1416 9th Street, Room 1442
P. O. Box 942896
Sacramento, CA 94296-0001

RE: Proposed Abandonment of the McHenry Industrial Lead, from Milepost 21.25 Milepost 26.43 in San Joaquin and Stanislaus Counties, California—STB Docket No. AB-33 (Sub-No. 278X)

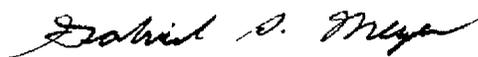
Dear Sir or Madame:

On or after June 8, 2009, Union Pacific Railroad Company ("UP") expects to file with the Surface Transportation Board a notice of exemption for abandonment a line of railroad known as the McHenry Industrial Lead, located in San Joaquin and Stanislaus Counties, California, extending from Milepost 21.25 near Escalon to Milepost 26.43 near McHenry. Attached is a combined Environmental and Historic Report describing the proposed action and its expected environmental and historic effects, which includes a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, S.W., Washington, D. C. 20024, telephone 202-245-0245 and refer to the above Docket No. AB-33 (Sub No. 278X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to this SEA (with a copy to our representative) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Gabriel S. Meyer who may be contacted by telephone at 402 544-1658 or by mail at Union Pacific Railroad Company, 1400 Douglas Street, STOP 1580, Omaha, NE, 68179.

Sincerely,



Gabriel S. Meyer

Enclosure