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UNION PACIFIC RAILROAD COMPANY

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Office of the Secretary

JAN 11 2002
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Public Record

January 10, 2002



Via FAX (202) 565-9004

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

Re: Docket No. AB-33 (Sub-No. 183); Salt Lake City Corporation – Adverse
Abandonment of Rail Line in Salt Lake City, Utah

Dear Mr. Williams:

Attached for filing in the above proceeding is Union Pacific's "Reply to Petition of Salt Lake City For Extension of Time To File Reply To Protest of Union Pacific Railroad". This filing is being made pursuant to the former Interstate Commerce Commission's procedures for receiving submissions in emergency/rush situations by fax, Acceptance of Mail by Fax, 54 Fed. Reg. 52857, December 22, 1989, 1989 WL 294480 ("1989 Notice").

As required by the 1989 Notice, an original and 10 copies of the attached filing will be provided to the Board under separate cover.

Very truly yours,

Robert T. Opal
General Commerce Counsel
Phone: 402/271-3072
Fax: 402/271-5610

cc: (via Fax)
Joseph Dettmar (STB) – 202/565-9002
Persons shown on Certificate of Service

Atts.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**



DOCKET NO. AB-33 (SUB-NO. 183)

**SALT LAKE CITY CORPORATION -- ADVERSE
ABANDONMENT OF RAIL LINE IN SALT LAKE CITY, UTAH**

**REPLY
UNION PACIFIC RAILROAD COMPANY
TO
PETITION OF SALT LAKE CITY FOR EXTENSION OF TIME TO FILE REPLY TO
PROTEST OF UNION PACIFIC RAILROAD**

UNION PACIFIC RAILROAD COMPANY

Robert T. Opal
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Omaha, Nebraska 68179
(402) 271-3072

Dated: January 10, 2001

**BEFORE THE
SURFACE TRANSPORTATION BOARD**



DOCKET NO. AB-33 (SUB-NO. 183)

**SALT LAKE CITY CORPORATION -- ADVERSE
ABANDONMENT OF RAIL LINE IN SALT LAKE CITY, UTAH**

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PROTEST OF UNION PACIFIC RAILROAD**

This Reply is filed on behalf of Union Pacific Railroad Company ("UP"), a Protestant in the above proceeding. It is in response to the Petition of Salt Lake City filed January 10, 2002 ("Petition") seeking an extension of time to file its reply to protests pending a resolution of discovery disputes. The City's reply is currently due on Monday, January 14, 2002. This is, in fact, the second request for an extension of time that the City has filed. The first was a Petition filed on December 28 seeking to hold the proceeding in abeyance for over two months until after a court hearing on March 11, 2002, to which UP replied on January 2, 2002.

There is absolutely no merit to the City's latest petition, and it should be summarily denied. We point out, as we did in our Motion for Protective Order Denying Discovery, that the discovery the City filed on December 24 could have been filed 3-4

months ago. If the City needed really discovery for its case, as it now claims, why didn't it file discovery before it filed its application? ¹ Why did the City then wait until Christmas Eve (a railroad holiday), nearly 1 ½ months after the filing of its application, before serving its discovery requests? And, when the City finally got around to initiating its 11th hour discovery on Christmas Eve, why did the City serve a fishing expedition of fully 50 wildly overreaching, overbroad and burdensome discovery requests, many with multiple information requests, rather than the "sharply focused and clearly justified" discovery that the Board requires when discovery is permitted in abandonment proceedings, Docket No. AB-459 (Sub-No. 2X), Central Railroad of Indiana - Abandonment Exemption (not printed) served April 1, 1998, p. 3.

This is outrageous procedural gamesmanship on the part of the City, not legitimate discovery, the obvious purpose of which was to create grounds for seeking an extension. We predicted in our Motion for Protective Order that the City would seek an extension of its deadline for filing its reply due to supposedly unresolved discovery disputes and that is, in fact, what the City has done. Of course there are unresolved discovery disputes. The City made sure of that by waiting until Christmas Eve to begin discovery and by its overreaching, overbroad and burdensome discovery requests. The City's 11th hour procedural gamesmanship should be grounds for a denial of discovery, not an extension of time, see Docket No. AB-397 (Sub-No. 3X), Tulare Valley R. Co. - Abandonment and Discontinuance Exemption (not printed) served December 1, 1995, p. 3, n. 7 (discovery

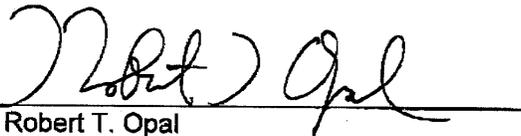
¹ Under the Board's abandonment rules, the application was to contain the City's "entire case", Abandonment and Discontinuance of Rail Lines and Rail Transp., 1 S.T.B. 894, 906 (1996) and 2 S.T.B. 311, 314 (1997).

denied because of delay of party in initiating it and potential postponement of decision in case).

CONCLUSION

For the reasons stated above, UP respectfully requests that the Board deny the City's Petition for Extension of Time.

Respectfully submitted,



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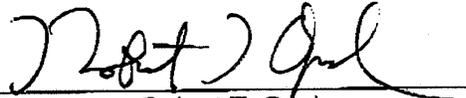
CERTIFICATE OF SERVICE

I certify that I have this date served the foregoing document on the persons listed below by facsimile transmission:

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Dated at Omaha, Nebraska, this 10th day of January, 2002.


Robert T. Opal