



KAPLAN KIRSCH ROCKWELL **FILED**

MAY 29 2008

**SURFACE  
TRANSPORTATION BOARD**

May 29, 2008



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222470

Honorable Anne Quinlan  
Acting Secretary  
Surface Transportation Board  
395 I Street, S W  
Washington, DC 20423-0001

Re *Los Angeles County Metropolitan Transportation Authority Abandonment Exemption  
in Los Angeles County, CA  
STB Docket No AB-409 (Sub-No 5X)*

Dear Madam:

I am enclosing an original and ten (10) copies of each of the following documents

- 1 Los Angeles County Metropolitan Transportation Authority Verified Notice of Exemption, and
- 2 Petition of Los Angeles County Metropolitan Transportation Authority for Exemption from Conditions Governing Offers of Financial Assistance and Public Use

With respect to the filing fee, we have enclosed a check in the amount of \$3,200. However, Los Angeles County Metropolitan Transportation Authority ("LACMTA") is seeking a waiver of the filing fee based on the fact that it is a local government entity filing the Notice of Exemption on behalf of the general public. See 49 C.F.R. §1002.2(e), STB Ex Parte No. 542 (Sub-No. 6) - *Regulations Governing Fees For Services Performed In Connection With Licensing And Related Services--Policy Statement* (Served December 6, 2000). In this matter, LACMTA will abandon approximately 0.31 mile of railroad right-of-way and related facilities in Los Angeles County, California. LACMTA is a "state or local government entity."

Please date stamp the extra copies and return to our messenger. Please note that a 3.5 inch diskette is enclosed.

**FEE RECEIVED**

MAY 29 2008

Sincerely,

Charles A. Spitulnik

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MAY 29 2008

**TRANSPORTATION BOARD**

Enclosure **TRANSPORTATION BOARD**

174176 1.doc

Attorneys at Law  
Denver • New York • Washington, DC

Kaplan Kirsch & Rockwell LLP tel (202) 955-5600  
1001 Connecticut Ave, N.W., Suite 905 fax (202) 955-5616  
Washington, DC 20036 www.kaplankirsch.com

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
Washington, DC**

**Docket No. AB-409 (Sub-No. 5X)**



**LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY  
- ABANDONMENT EXEMPTION -  
IN LOS ANGELES COUNTY, CA**

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**VERIFIED NOTICE OF EXEMPTION**

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**MAY 29 2008**

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TRANSPORTATION BOARD**

Communications with respect to this document  
should be addressed to:

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**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
Washington, DC**

**Docket No. AB-409 (Sub-No. 5X)**

**LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY  
– ABANDONMENT EXEMPTION –  
IN LOS ANGELES COUNTY, CA**

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**VERIFIED NOTICE OF EXEMPTION**

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The Los Angeles County Metropolitan Transportation Authority (“LACMTA” or “Applicant”) hereby submits this Verified Notice of Exemption pursuant to 49 C.F.R. §1152, Subpart F, for an exempt abandonment of service on a 0.31 mile line of railroad in Los Angeles County, California, from Milepost 485.69 to Milepost 486.00, which comprises a portion of a line known as the Santa Monica Industrial Lead (the “LACMTA Segment”). This Notice complies as well with the procedures set forth in *Los Angeles Co. Transp. Comm'n – Acquisition Exemption – A T and S F Ry. Co.*, STB Finance Docket No. 32172, *et al.*, *slip op.* (Service Date March 12, 1997) (the “1997 Decision”).

LACMTA’s predecessor agency, the Los Angeles County Transportation Commission (“LACTC”), acquired the LACMTA Segment from Southern Pacific Transportation Company (“Southern Pacific”) in 1990. As a result of this transfer, LACTC acquired the real property associated with the LACMTA Segment, and Southern Pacific retained all operating rights and the primary common carrier obligation. Accordingly, LACTC acquired a residual common carrier obligation as the owner of the LACMTA Segment, over which service was being provided by

Southern Pacific. *So Pac. Transp. Co. – Abandonment Exemption – Los Angeles Co., CA*, 8 I.C.C.2d 495, 508 (1992) (“*SP Abandonment I*”), *aff’d*, 9 I.C.C.2d 385 (1993) (“*SP Abandonment II*”). LACMTA acquired the physical assets of the LACMTA Segment and LACTC’s residual common carrier obligation when it succeeded to LACTC’s interest.

The LACMTA Segment comprises a portion of the longer line that is the subject of a Notice of Abandonment and Discontinuance of Trackage Rights filed by Southern Pacific’s successor, Union Pacific Railroad Company (“UP”), on March 19, 2008, in *Union Pac. R. Co. – Abandonment and Discontinuance of Trackage Rights Exemption – In Los Angeles Co., CA*, STB Docket No. AB-33 (Sub-No. 265X) (the “UP NOE”). As set forth in the UP NOE, UP is discontinuing its common carrier obligations over the LACMTA Segment. The exemption described in the UP NOE became effective on May 8, 2008, subject to historic preservation conditions to allow the Board to complete its required historic preservation review pursuant to Section 106 of the National Historic Preservation Act, 16 U.S.C. §470f. *Union Pac. R. Co. – Abandonment and Discontinuance of Trackage Rights Exemption – In Los Angeles Co., CA*, STB Docket No. AB-33 (Sub-No. 265X) (Service Date May 7, 2008), *slip op.* at 2-3.

LACMTA is now submitting this Notice of Exemption to effect the abandonment of its residual common carrier obligations, thus confirming that no freight service is available on the LACMTA Segment.<sup>1</sup>

The information required by 49 C.F.R. §1152.50 and the *1997 Decision* follows:

1. Proposed Consummation Date: July 18, 2008.
2. Certification required by 49 C.F.R. §1152.50(b): LACMTA hereby certifies that no local traffic has moved over the LACMTA Segment for at least two (2) years and that, although no

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<sup>1</sup> LACMTA is simultaneously filing in this proceeding its Petition for Exemption from Conditions Governing Offers of Financial Assistance and Public Use

overhead traffic has moved over the LACMTA Segment for at least two (2) years, any overhead traffic can be rerouted over other lines and that no formal complaint filed by a user of rail service on the LACMTA Segment (or a state or local government entity acting on behalf of such a user) regarding cessation of service over the LACMTA Segment either is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period.

3. Information required by 49 C.F.R. §1152.22(a)(1):

The exact name of Applicant, along with Applicant's address, is:

Los Angeles County Metropolitan Transportation Authority  
One Gateway Plaza  
Los Angeles, CA 90012-2952

4. Information required by 49 C.F.R. §1152.22(a)(2): By virtue of its acquisition of the rights and obligations acquired in the transactions described in *SP Abandonment I* and *SP Abandonment II*, LACMTA acquired a residual common carrier obligation with respect to this line segment.

LACMTA has never held itself out to offer or provide, and does not have authority under the governing California statute to offer or provide, rail freight service *1997 Decision, slip op* at 4.

5. Information required by 49 C.F.R. §1152.22(a)(3): Applicant seeks abandonment of its residual common carrier obligation, thus extinguishing any vestige of an obligation to provide freight service on this line.

6. Information required by 49 C.F.R. §1152.22(a)(4): A detailed map of the LACMTA Segment and the surrounding area is attached hereto as Exhibit A.

7. Detailed statement of reasons for filing the application as required by 49 C.F.R. §1152.22(a)(6): UP has already received authority to discontinue its common carrier obligations over the LACMTA Segment. LACMTA is submitting this Notice of Exemption to effect a full abandonment of any residual freight service obligation on the LACMTA Segment.

8. Information required by 49 C.F.R. §1152.22(a)(7): Applicant's representatives to whom correspondence should be sent are:

Charles A. Spitulnik  
W. Eric Pilsk  
Allison I. Fultz  
Kaplan Kirsch & Rockwell LLP  
1001 Connecticut Avenue, NW  
Suite 905  
Washington, DC 20036  
(202) 955-5600

9. Information required by 49 C.F.R. §1152.22(a)(8): The LACMTA Segment traverses U.S. Postal Service ZIP Code 90011.

10. Information required by 49 C.F.R. §1152.22(e)(4): The abandonment proposed in this proceeding will permit the LACMTA Segment to be used for the public benefit. The LACMTA Segment comprises part of the extensive network of rail lines acquired by LACTC in the early 1990's to facilitate the establishment of Los Angeles County's commuter and light rail transit network and dedicated busway. The LACMTA Segment is part of the originally planned passenger transit network and is now needed to support current construction activities and future operations. Once the LACMTA Segment is fully abandoned, LACMTA intends to use the LACMTA Segment for (1) a staging area for the storage of track and signal material and components; (2) parking for construction equipment used to construct and place into operation additional tracks, signals and buildings on LACMTA's light rail Blue Line right-of-way, which is adjacent to the LACMTA Segment; (3) construction of a traction power substation; (4) employee parking, and (5) future rail transit operations. Additionally, in the short term, the proposed abandonment area is necessary to provide servicing and storage facilities for expanded light rail service that LACMTA will operate on the Exposition Light Rail Line, which is currently under construction between Los Angeles and Culver City, and for which LACMTA is developing plans to extend to Santa Monica. The

Exposition Light Rail Line will eventually connect with the existing Blue Line. Accordingly, the LACMTA Segment will continue to be put to public use.

In addition, the LACMTA Segment, like the UP Segment, is not suitable for recreational use because the LACMTA Segment (1) is located in an area that is principally industrialized; (2) has no direct access from residential areas that might support any recreational use, and (3) is quite short – less than one third of a mile in length

Where a right-of-way is needed for a valid public purpose and there is no overriding public need for continued rail service, the Board has granted exemptions from the requirements of 49 U.S.C. §§10904 and 10905. *See, e.g., K & E R Co – Abandonment Exemption – In Alfalfa, Garfield, and Grant Cos, OK, and Barber Co., KS, STB Docket No. AB-480X (Service Date December 31, 1996), slip op. at 4-5* For the reasons set forth in greater detail in Applicant’s Petition for Exemption from Conditions Governing Offers of Financial Assistance and Public Use, submitted simultaneously with this Notice of Exemption, LACMTA requests that the Board exempt the LACMTA Segment from the “offer of financial assistance” and “public use condition” provisions of the statute and regulation.

LACMTA is not aware of any restrictions on title that would affect the use of the line for other than rail purposes.

11. The level of labor protection: No rail employees will be adversely affected by this transaction. The interests of railroad employees will be protected in accordance with the conditions set forth in *Oregon Short Line R Co. – Abandonment*, 360 I.C.C. 91 (1979).

12. Compliance with notice requirements of 49 C.F.R. §§1105.11 and 1152.50(d)(1): A certificate of compliance with the requirements of 49 C.F.R. §§1105.11 and 1152.50(d)(1) is attached hereto as Exhibit B. Pursuant to the *1997 Decision*, LACMTA adopts in this proceeding

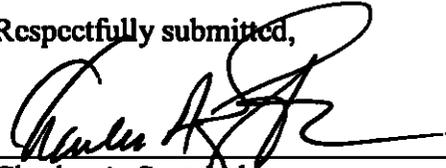
the Environmental and Historic Report filed by UP in AB-33 (Sub-No. 265X) on February 27, 2008 (“**Environmental and Historic Report**”), and supplemental information including a letter dated May 15, 2008, from the California State Historic Preservation Officer confirming that no historic properties will be affected by UP’s abandonment and discontinuance, filed by UP on May 20, 2008 in AB-33 (Sub-No. 265X) (“**SHPO Confirmation**”). Copies of the Environmental and Historic Report and SHPO Confirmation are attached hereto as **Exhibit C**.

13 A draft Federal Register notice is attached as **Exhibit D**.

14. Proof of publication of the newspaper notice required pursuant to 49 C.F.R. §1105.12 is attached as **Exhibit E**.

15. Copies of notices sent pursuant to 49 C.F.R. §1152.50(d)(1) are attached as **Exhibit F**.

Respectfully submitted,



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Charles A. Spitulnik  
W. Eric Pilsk  
Allison I. Fultz  
Kaplan Kirsch & Rockwell LLP  
1001 Connecticut Avenue, NW  
Suite 905  
Washington, DC 20036  
Phone: (202) 955-5600  
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[afultz@kaplankirsch.com](mailto:afultz@kaplankirsch.com)

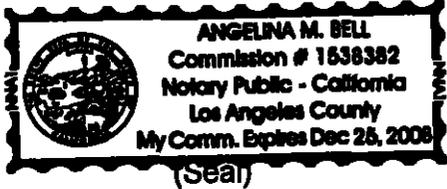
VERIFICATION AND CERTIFICATION

I, John C Miller, P.E. Engineering Project Manager of the Los Angeles Metropolitan Transportation Authority, verify under penalty of perjury that the facts recited in the foregoing Notice of Exemption are true and correct. Further, I certify that I have personal knowledge of the facts stated therein and that I am authorized to verify these facts stated in this Verified Notice of Exemption.

John C Miller  
John C. Miller, P.E.

State of California  
County of Los Angeles

Subscribed and sworn to (or affirmed) before me on this 21<sup>st</sup>  
day of May, 2008, by John C. Miller,  
proved to me on the basis of satisfactory evidence to be the  
person(s) who appeared before me



Signature Angelina M. Bell

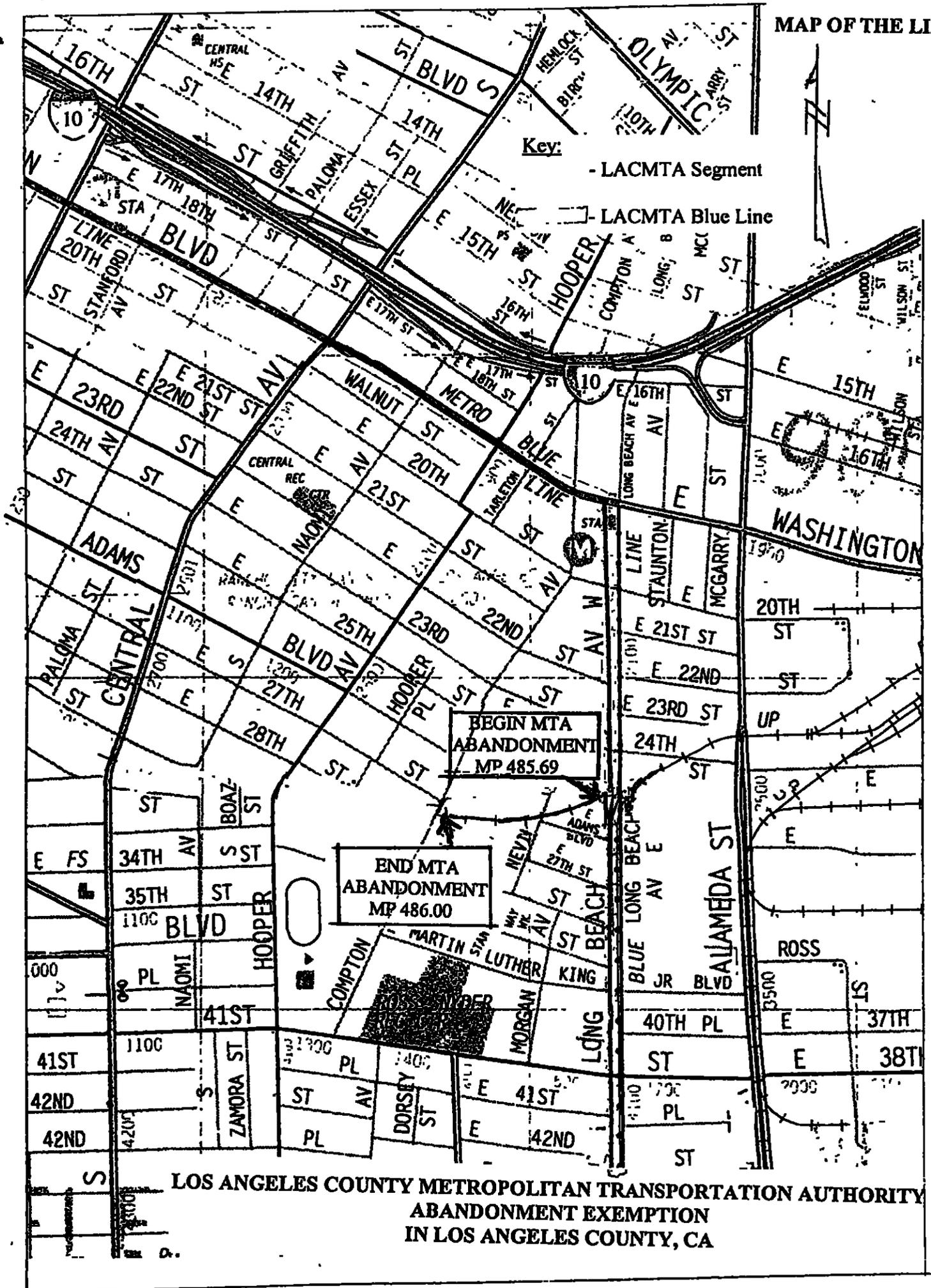
. A

**EXHIBIT A**

**MAP OF THE LINE**

[attached hereto]

MAP OF THE LINE



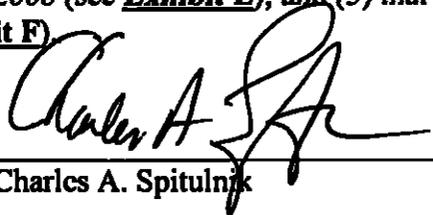
B

**EXHIBIT B**

**CERTIFICATE OF COMPLIANCE WITH 49 C.F.R. §§1105.11 and 1152.50(d)(1)**

**CERTIFICATION**

I hereby certify: (1) pursuant to the special abandonment procedures set forth in the Surface Transportation Board's Decision in Finance Docket Nos. 32172 and 32173 (Service Date March 12, 1997), Los Angeles County Metropolitan Transportation Authority is exempt from the requirements of 49 C.F.R. §1105.11 to submit copies of Environmental and Historic Reports to the agencies identified in §1105.7(b) and to the appropriate State Historic Preservation Officer in this proceeding and instead adopts the Historic and Environmental Report submitted by Union Pacific Railway Company in AB-33 (Sub-No. 265X) on February 27, 2008, and supplemental information submitted by Union Pacific Railway Company in AB-33 (Sub-No. 265X) on May 20, 2008; (2) pursuant to §1105.12, that a notice of intent to abandon rail service was published in the *Santa Monica Daily Press* on May 16, 2008 (see Exhibit E); and (3) that the notice required by §1152.50(d)(1) was given (see Exhibit F).

  
\_\_\_\_\_  
Charles A. Spitulnik

Dated: May 29, 2008

C

**EXHIBIT C**

**ENVIRONMENTAL AND HISTORIC REPORT  
PREPARED BY UNION PACIFIC RAILROAD COMPANY  
and  
SHPO CONFIRMATION  
FILED WITH THE BOARD IN AB-33 (SUB-NO. 265X)**

[attached hereto]



Gabriel S Meyer  
Assistant General Attorney

221696

February 22, 2008

**Via UPS 2nd Day Air**

Surface Transportation Board  
395 E Street, SW  
Washington, DC 20024

ENTERED  
Office of Proceedings

FEB 27 2008

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**Attention: Victoria Rutson**

**Re: Proposed Abandonment and Discontinuance of Trackage Rights on the Santa Monica Industrial Lead, from Milepost 485.61 to Milepost 486.00—STB Docket No. AB-33 (Sub-No. 265X)**

Dear Ms Rutson

Enclosed for filing in the above-referenced matter is the original and ten (10) copies of Union Pacific Railroad Company's Combined Environmental and Historic Report prepared pursuant to 49 C F R Sections 1105 7 and 1105 8, with a Certificate of Service and a transmittal letter pursuant to 49 C F R Section 1105 11

Union Pacific anticipates filing a Petition for Exemption in this matter on or after March 17, 2008 Please do not hesitate to contact me if you have any questions

Sincerely,

Gabriel S Meyer

Enclosures

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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221696

Docket No. AB-33 (Sub-No. 265X)

UNION PACIFIC RAILROAD COMPANY  
- ABANDONMENT EXEMPTION -  
IN LOS ANGELES COUNTY, CALIFORNIA  
(SANTA MONICA INDUSTRIAL LEAD)

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Combined Environmental and Historic Report

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Public Record

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 February 22, 2008  
Filed February 26, 2008

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**Docket No. AB-33 (Sub-No. 265X)**

**UNION PACIFIC RAILROAD COMPANY  
– ABANDONMENT EXEMPTION –  
IN LOS ANGELES COUNTY, CALIFORNIA  
(SANTA MONICA INDUSTRIAL LEAD)**

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**Combined Environmental and Historic Report**

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report pursuant to 49 C F R § 1105 7(e) and 49 C F R § 1105 8(d), respectively, for an exempt abandonment of service on the Santa Monica Industrial Lead from Milepost 485 61 to Milepost 485 69, and discontinuance of trackage rights from Milepost 485 69 to Milepost 486 00, a total distance of 0.39 miles in the City of Los Angeles, Los Angeles County, California (the "Line")

The Line traverses U S Postal Service Zip Codes 90011 and 90058 A Notice of Exemption to abandon and discontinue trackage rights over the Line, pursuant to 49 C F R § 1152 50 (no local traffic for at least two years), will be filed on or after March 17, 2008

A map of the Line (Attachment 1) and UP's letter to federal, state and local government agencies (Attachment 2) are attached

**ENVIRONMENTAL REPORT**  
**49 C F R § 1105.7(e)**

**(1) Proposed action and alternatives** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

**Response:** The proposed action involves the exempt abandonment of the Line from Milepost 485 61 to Milepost 485 69, and discontinuance of trackage rights from Milepost 485 69 to Milepost 486 00, a total distance of 0 39 miles in Los Angeles, California.

The abandonment and discontinuance of trackage rights will have no adverse effect on shippers. There is no new industry foreseen that could produce rail traffic over the Line, nor does any overhead traffic use the Line. After abandonment, UP will continue to serve the area via its Wilmington Subdivision, which connects to the Line. BNSF Railway Company also serves the area.

The Line was originally constructed by the Los Angeles and Independence Railway in 1875. The portion of the Line over which UP proposes to discontinue trackage rights was sold by UP's predecessor, Southern Pacific Transportation Company, to the Los Angeles Metropolitan Transportation Authority ("Metro") in 1990. On the segment of the Line that UP owns, the track contains a combination of 90 and 126-pound jointed rail, installed in 1975.

UP does not believe the portion of the Line proposed for abandonment is suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, or energy production or transmission, in that the area is adequately served by existing roads (including Interstates 5, 10, and 110) and utility lines. The right-of-way is

not suitable for use as a recreational trail due to its limited length and location in an industrialized area. Based on information in UP's possession, the Line does not contain any reversionary property or federally granted right-of-way. Any documentation in UP's possession will be made available to those requesting it.

A map of the Line is attached as Attachment No. 1.

**(2) Transportation system** Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

**Response:** Because no freight traffic moves over the Line proposed for abandonment and none is expected to move over it in the future, there should be no effect on regional or local transportation systems or patterns, and there will be no diversion of traffic to other modes or systems.

**(3) Land use.**

**(i)** Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

**(ii)** Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

**(iii)** If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.

**(iv)** If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

**Response:**

**(i)** The Los Angeles County Supervisors Office has been contacted. To date UP has not received a response.

**(ii)** The United States Natural Resources Conservation Service has been contacted. To date UP has not received a response.

**(III) Not Applicable**

**(iv)** The portion of the Line proposed for abandonment is generally not suitable for other 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

**(4) Energy**

- (i)** Describe the effect of the proposed action on transportation of energy resources
- (ii)** Describe the effect of the proposed action on recyclable commodities
- (iii)** State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why
- (iv)** If the proposed action will cause diversions from rail to motor carriage of more than
  - (A)** 1,000 rail carloads a year, or
  - (B)** an average of 50 rail carloads per mile per year for any part of the affected Line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given

**Response:**

- (i)** There will be no effects on the transportation of energy resources
- (ii)** There are no recyclable commodities handled over the Line
- (iii)** There will be no effect on energy efficiency
- (iv)(A)(B)** There will be no rail-to-motor diversion

**(5) Air**

- (i)** If the proposed action will result in either
  - (A)** an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or
  - (B)** an increase in rail yard activity of at least 100% (measured by carload activity), or
  - (C)** an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions For a proposal under 49 U S C § 10901

(or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in §§ (5)(i)(A) will apply

**Response:** There are no such effects anticipated

**(II) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either**

**(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or**

**(B) an increase in rail yard activity of at least 20% (measured by carload activity), or**

**(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstatement of service over a previously abandoned line, only the three train a day threshold in this item shall apply**

**Response:** There will be no increase in rail traffic, rail yard activity, or truck traffic of these magnitudes as a result of the proposed action.

**(III) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify the materials and quantity, the frequency of service, safety practices (including any speed restrictions), the applicant's safety record (to the extent available) on derailments, accidents and spills, contingency plans to deal with accidental spills, and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment**

**Response:** The proposed action will not affect the transportation of ozone depleting materials

#### **(6) Noise**

**If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause**

**(i) an incremental increase in noise levels of three decibels Ldn or more or**

**(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed**

**Response:** Not applicable

**(7) Safety**

**(I) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings)**

**(II) If hazardous materials are expected to be transported, identify the materials and quantity, the frequency of service, whether chemicals are being transported that, if mixed, could react to form more hazardous compounds, safety practices (including any speed restrictions), the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills, the contingency plans to deal with accidental spills, and the likelihood of an accidental release of hazardous materials**

**(III) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved**

**Response:**

**(I) The proposed action will have no detrimental effects on public health and safety**

**(II) The proposed action will not affect the transportation of hazardous materials**

**(III) There are no known hazardous material waste sites or sites where known**

**hazardous material spills have occurred on or along the subject right-of-way**

**(8) Biological resources.**

**(I) Based on consultation with the U S Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects**

**(II) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects**

**Response:**

**(I) The U S Fish and Wildlife Service has been contacted To date UP has received no response**

(II) UP is not aware of any wildlife sanctuaries or refuges, or of any National or State parks or forests, that will be affected by the proposed abandonment

**(9) Water**

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards Describe any inconsistencies

(ii) Based on consultation with the U S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U S C § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected Describe the effects

(iii) State whether permits under section 402 of the Clean Water Act (33 U S C § 1342) are required for the proposed action (Applicants should contact the U S Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required )

**Response:**

(i) The California Environmental Protection Agency has been contacted To date, UP has received no response

(ii) The U S Army Corps of Engineers has been contacted To date, UP has received no response

(iii) It is not anticipated there will be any requirements for Section 402 permits

**(10) Proposed Mitigation**

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate

**Response:** There are no known adverse environmental impacts

**HISTORIC REPORT**  
**49 C.F.R. § 1105.8(d)**

**(1) A U S G S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action**

**Response: See Attachment No. 1, indicating that there are no structures 50 years old or older that are part of the proposed action**

**(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area**

**Response: The right-of-way proposed for abandonment is approximately 30 feet wide and runs through an industrial area Topography is level**

**(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area**

**Response: See Attachment No. 1, indicating that there are no structures 50 years old or older that are part of the proposed action**

**(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known**

**Response: See Attachment No. 1, indicating that there are no structures 50 years old or older that are part of the proposed action**

**(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action**

**Response:** See the preceding pages for a brief history and description of carner operations.

**(6)** A brief summary of documents in the carner's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic

**Response:** Not applicable

**(7)** An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C F R § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities)

**Response:** At this time, UP knows of no historic sites, structures, or archeological resources on the Line or in the project area. UP believes that there is nothing in the scope of the project that merits historical comment and that any archeological sites within the scope of the right-of-way would have previously been disturbed during the construction of the Line.

**(8)** A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain

**Response:** UP does not have any such readily available information

**(9)** Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or group of properties immediately adjacent to the railroad right-of-way: Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any

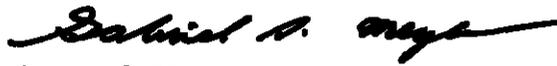
previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American)

**Response: Not applicable**

Dated this 22nd day of February, 2008

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)

**CERTIFICATE OF SERVICE**  
**OF THE**  
**COMBINED ENVIRONMENTAL AND HISTORIC REPORT**

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No AB-33 (Sub-No 265X) for the Riverside Industrial Lead in Riverside County, California was served by first class mail on the 22nd day of February, 2008 on the following

**State Cleanroomhouse (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:**  
Los Angeles County Supervisors  
500 W Temple Street Ste 525  
Hall of Administration  
Los Angeles, CA 90012-2713

**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 1  
911 NE 11th Avenue  
Portland, OR 97232-4181

**U.S. Army Corps of Engineers:**  
U S Army Corps of Engineers,  
Los Angeles District  
915 Wilshire Blvd Suite 980  
Los Angeles, CA 90017

**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  
430 G Street, #4184  
Davis, CA 95616-4164

**National Geodetic Survey:**  
National Geodetic Survey  
Edward J McKay, Chief  
Spatial Reference System Division  
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  
P O Box 942896  
Sacramento, CA 94298-0001

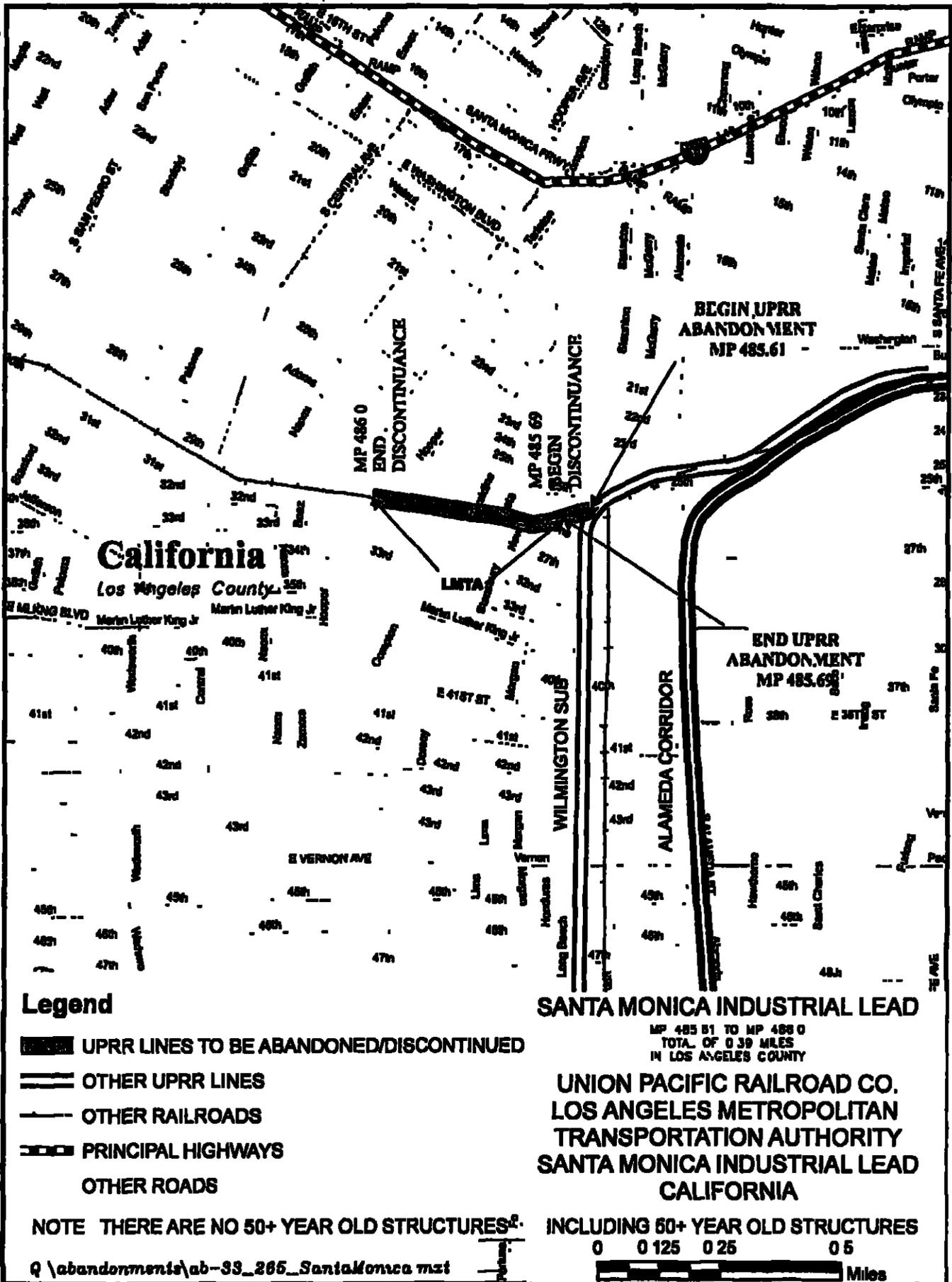
**Other:**  
Mr John C Miller  
Engineering Project Manager  
Metropolitan Transit Authority  
One Gateway Plaza  
Los Angeles, CA 90012-2952

Dated this 22nd day of February, 2008

  
\_\_\_\_\_  
Gabriel S Meyer

00012

# Attachment 1



## Attachment 2



(402) 501-0127 (FAX)

January 17, 2008

**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  
46 Fremont Street  
Suite 2000  
San Francisco, CA 94105-2219

**Head of each County:**

Los Angeles County Supervisors  
500 W Temple Street Ste 525  
Hall of Administration  
Los Angeles, CA 90012-2713

**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 1  
911 NE 11th Avenue  
Portland, OR 97232-4181

**U.S. Army Corps of Engineers:**

U S Army Corps of Engineers,  
Los Angeles District  
915 Wilshire Blvd Suite 980  
Los Angeles, CA 90017

**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  
430 G Street, #4184  
Davis, CA 95618-4184

**National Geodetic Survey:**

National Geodetic Survey  
Edward J McKay, Chief  
Spatial Reference System Division  
NOAA NNGS2  
1315 E-W Highway  
Silver Spring, MD 20910-3282

**State Historic Preservation Office:**

California Department of Parks and Recreation  
Office of Historic Preservation  
P O Box 942898  
Sacramento, CA 94298-0001

**Other:**

Mr John C Miller  
Engineering Project Manager  
Metropolitan Transit Authority  
One Gateway Plaza  
Los Angeles, CA 90012-2952

Re Proposed Abandonment of the Santa Monica Industrial Lead from Milepost 485 81 to Milepost 485 89 near 25<sup>th</sup> and Adams Streets, and Discontinuance from Milepost 485 89 to Milepost 486 0 near 27<sup>th</sup> and Hooper Streets, a total distance of 0 39 miles in the City of Los Angeles, Los Angeles County, California, STB Docket No AB-33 (Sub-No 285X)

Law Department

UNION PACIFIC RAILROAD  
1400 Douglas St, Stop 1580, Omaha, NE 68179-1580  
fx (402) 501-0127

000!4

Dear Sirs

On December 20, 2007, Union Pacific Railroad Company sent you a letter concerning plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Santa Monica Industrial Lead from Milepost 485 61 near 25<sup>th</sup> and Adams Streets to Milepost 485 69 near 27<sup>th</sup> and Hooper Streets. The letter indicated that the 0.39 mile proposed abandonment was in the City of Santa Monica, California, whereas it is actually in the City of Los Angeles, California. Sorry for any inconvenience this may have caused. A map of the proposed track abandonment shown in black is again attached for your reference.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F.R. Part 1105.7, this is to again request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts. However, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

**LOCAL AND/OR REGIONAL PLANNING AGENCIES** State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

**U.S. SOIL CONSERVATION SERVICE** State the effect of the proposed action on any prime agricultural land.

**U.S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, if Addressed)** State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

**STATE WATER QUALITY OFFICIALS** State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

**U.S. ARMY CORPS OF ENGINEERS** State (1) whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

**U.S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY)** (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1400 Douglas Street, Mail Stop 1580, Omaha, NE, 68179. If you need further information, please contact me at (402) 544-4861.

Yours truly,

*Charles W. Saylor*  
Charles W Saylor

Attachment

222405 <sup>af</sup>



Gabriel S. Meyer  
Assistant General Attorney

May 19, 2008

**Via Electronic Filing**

Ms Anne K Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423

**RE: STB Docket No. AB-33 (Sub-No. 285X)—Abandonment and Discontinuance of Trackage Rights on the Santa Monica Industrial Lead, from Milepost 485.61 to Milepost 486.00**

Dear Secretary Quinlan:

Pursuant to the above-referenced matter, attached is a copy of a letter from the California Office of Historic Preservation ("OHP") for entry into the record. The OHP finds that the proposed abandonment of Union Pacific Railroad Company's Santa Monica Industrial Lead will have no effect on historic properties.

Union Pacific respectfully requests expedited consideration of this submission. Please do not hesitate to contact me if you have any questions.

Sincerely,

Gabriel S. Meyer

Attachment

**OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION**

P O BOX 942868  
SACRAMENTO CA 94296 0001  
(916) 653 6824 Fax: (916) 653-6824  
calshpo@ohp.parks.ca.gov  
www.ohp.parks.ca.gov



REC'D UPRR  
MAY 19 2008  
LAW DEPT

May 15, 2008

Reply To STB080227A

**Gabriel S. Meyer**  
Union Pacific Railroad  
1400 Douglas Street  
STOP 1580  
Omaha, NE 68179

**Re: Proposed Abandonment and Discontinuance of Trackage Rights on the Santa Monica Industrial Lead, from Milepost 485.61 to Milepost 486.00 – STB Docket No. AB-33 (Sub-No. 285X)**

Dear Mr Meyer:

You have provided me with information regarding how the above project may affect historic properties. You have done this, and are consulting with me, in order to enable the Surface Transportation Board (STB) to comply with Section 106 of the National Historic Preservation Act and implementing regulations codified at 36 CFR Part 800.

I have reviewed the documentation furnished and considered your recommendation to the STB that there are no historic properties that may be affected by these undertakings. Based on that review, I have the following comments

- 1) The project, as described, will have no effect on historic properties.
- 2) I would not object to an official finding by the STB that there are no historic properties that may be affected by these undertakings.
- 3) I will assume that the STB has made this finding unless I hear to the contrary from them within 15 calendar days of their receiving a copy of this letter

Thank you for considering historic properties during project planning. If you have any questions, please contact Natalie Lindquist of my staff at (916) 654-0631 or e-mail at [nlindquist@parks.ca.gov](mailto:nlindquist@parks.ca.gov).

Sincerely,

*Milford Wayne Donaldson for*

**Milford Wayne Donaldson, FAIA**  
State Historic Preservation Officer

D

**EXHIBIT D**

**DRAFT FEDERAL REGISTER NOTICE PURSUANT TO 49 C.F.R. §1152.60(c)**

**[attached hereto]**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
Washington, DC**

**Docket No. AB-409 (Sub-No. 5X)**

**LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY  
- ABANDONMENT EXEMPTION -  
IN LOS ANGELES COUNTY, CA**

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On May 29, 2008, the Los Angeles County Metropolitan Transportation Authority ("LACMTA") filed with the Surface Transportation Board, Washington, D.C. 20423, a notice of exemption for the abandonment of a portion of a line of railroad known as the Santa Monica Industrial Lead, extending from railroad milepost Milepost 485.69 to Milepost 486.00 in Los Angeles, California, which traverses through United States Postal Service ZIP Code 90011, a distance of 0.31 mile, in Los Angeles County, California. The line for which the abandonment exemption was filed includes no stations.

The line does not contain federally granted rights-of-way. Any documentation in LACMTA's possession will be made available promptly to those requesting it.

No rail service has moved over the subject line in more 24 months. Accordingly, no rail employees will be affected by the proposed abandonment.

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption. However, LACMTA also filed, simultaneously with its Notice of Exemption, a Petition for Exemption from Conditions Governing Offers of Financial Assistance and Public Use.

All interested persons should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. LACMTA proposes to use the line in connection with rail transit services, and the corridor will not be available for public uses that would be inconsistent with that use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the notice of exemption is published in the Federal Register.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

**An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.**

E

**EXHIBIT E**

**PROOF OF PUBLICATION OF NEWSPAPER NOTICE REQUIRED PURSUANT TO  
49 C.F.R. §1105.12**

[attached hereto]

# Santa Monica Daily Press

110 Broadway, Suite B  
Santa Monica, California 90401

Mail to:  
Kaplin Kirsch & Rockwell  
1675 Broadway, Suite 2300  
Denver, CO 80202

## Proof of Publication

(2015 CCP)

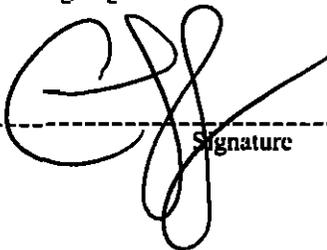
### STATE OF CALIFORNIA COUNTY OF LOS ANGELES

I am a citizen of the United States, over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the representative of the printer and the publisher of the Santa Monica Daily Press, a daily newspaper printed and published in the English language in the County of Los Angeles and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of Los Angeles, State of California, under the date of March 17, 2004, Case No BS087128. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

5/16/2008

Executed on this 18<sup>th</sup> day of May, 2008 at Santa Monica, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

X   
-----  
Signature

(this space is for the filing stamp only)

### Proof of Publication of

#### NOTICE OF INTENT TO SEEK OUT-OF-SERVICE ABANDONMENT EXEMPTION

The Los Angeles County Metropolitan Transportation Authority (LACMTA) gives notice that on or about May 19 2008 it intends to file with the Surface Transportation Board (the Board), Washington, DC 20423, a notice of exemption under 49 CFR 1102 Subpart F - Exempt Abandonments permitting the abandonment of service on a 0.31 mile line of railroad between railroad milepost 485.69 and railroad milepost 486.00 all in Los Angeles California, which traverses through United States Postal Service ZIP Code 90011 in Los Angeles County California. The proceeding will be docketed as No AB-409-5-X. This line segment is part of the corridor that was the subject of the Historic and Environmental Report filed by Union Pacific Railroad Company (UP) on February 27, 2008, in connection with UP's proposed discontinuance of trackage rights in STB proceeding AB 33 265-X. Pursuant to the procedures set forth in the Board's Decision in Finance Docket Nos 32 172, Los Angeles Co Trans Comm'n - Acquisition Exemption - The Atchison, Topeka and Santa Fe Ry Co and 321 73 Orange Co Trans Auth Riverside Co Trans Comm'n Sun Bernardino Associated Gov't's, Sun Diego Metropolitan Trans Dev Bd, North Sun Diego Co Trans Dev Bd - Acquisition Exemption - The Atchison, Topeka and Santa Fe Ry Co (Service Date March 12 1997) LACMTA will adopt and incorporate and rely upon UP's Historic and Environmental Report into LACMTA's proposed abandonment.

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no

later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington DC 20423 or by calling that office at (202) 245-0245.

Because LACMTA plans to use this segment in the operation of its light rail transit system it is seeking exemption from the provisions of the statute relating to offers of financial assistance to continue rail service or public use of the right-of-way on this segment. Until the Board rules on that request, appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions (unless the Board approves LACMTA's request for exemption from this provision of the statute) or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 395 E Street, SW Washington DC 20423 (see 49 CFR 1104.1(a) and 1104.3(a)) and one copy must be served on applicant's representative (see 49 CFR 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at (202) 245-0231. Copies of any comments or requests for

conditions should be served on the applicant's representative Kaplan Kirsch & Rockwell, LLP, 1001 Connecticut Avenue, NW, Suite 905 Washington, DC 20036, Attention Charles A Spitulnik.

F

**EXHIBIT F**

**CERTIFICATE OF NOTICE REQUIRED PURSUANT TO 49 C.F.R. §1152.50(d)(1)**

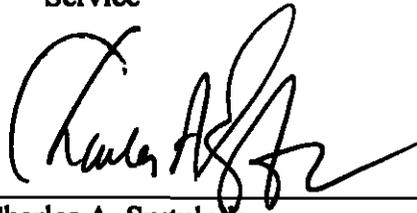
The undersigned certifies that on May 8, 2008 (at least ten days before a Notice of Exemption is filed), written notice was given of Los Angeles County Metropolitan Transportation Authority's intent to use the exemption notice procedure to abandon the Santa Monica Industrial Lead from Milepost 485.69 to Milepost 486.00, a total distance of 0.31 mile in the City of Los Angeles, Los Angeles County, California, in Docket No. AB-409 (Sub-No. 5X). Written notice (copies of which are attached) was served on the following:

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 Street, Suite #700  
Oakland, CA 94607

Special Assistant for Transportation  
Engineering & Director  
Railroads for National Defense Program  
720 Thimble Shoals Boulevard, Suite 130  
Newport News, VA 23606-4537

U.S. Department of Agriculture  
Chief of the Forest Service  
1400 Independence Avenue, S W.  
Washington, DC 20250-0003  
Attn: Abigail Kimbell, Chief of the Forest  
Service



---

Charles A. Spitulnik



May 8, 2008

National Park Service  
Recreation Resources Assistance Division  
Pacific West Region  
One Jackson Center  
1111 Jackson Street, Suite #700  
Oakland, California 94607

**Re: Notice of Exemption – Proposed Abandonment of Los Angeles County  
Metropolitan Transportation District’s Portion of the Santa Monica  
Industrial Lead, Los Angeles, CA  
Surface Transportation Board Docket No. AB-409-5-X**

Dear Sir or Madam:

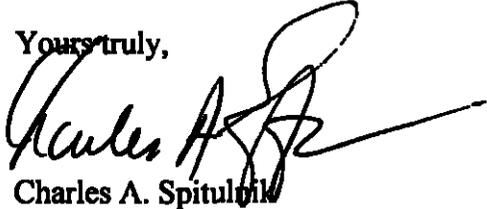
On May 19, 2008, the Los Angeles County Metropolitan Transportation District (“LACMTA”) plans to file a Notice of Exemption with the Surface Transportation Board (“STB”) with respect to the abandonment of any residual rail freight common carrier obligation on a segment of a rail line in Los Angeles County, California, between milepost 485.69 and milepost 486.00, a distance of 0.31 mile (the “Rail Segment”) along a line of railroad known as the Santa Monica Industrial Lead. The U.S. Postal Service zip code traversed by the Rail Segment is 90011. Pursuant to 49 U.S.C. §10502 and 49 C.F.R. §1152.50, LACMTA intends to effect the abandonment in accordance with the federal statutes and regulations governing actions exempt from regulation by the STB.

LACMTA’s predecessor agency, the Los Angeles County Transportation Commission, acquired the Rail Segment from the former Southern Pacific Transportation Company (“Southern Pacific”) in 1990. Southern Pacific retained the exclusive right to operate freight rail service over the Rail Segment. Union Pacific Railroad Company (“UP”), Southern Pacific’s successor, filed a notice of exemption with the STB seeking to discontinue its operating rights on the Rail Segment on March 19, 2008, in STB docket number AB-33-265-X. Now that the holder of operating rights seeks to discontinue service on the Rail Segment, LACMTA, the owner of the Rail Segment, intends to fully abandon the right-of-way. No freight rail traffic has moved over the Rail Segment for over two years and no formal complaint filed by a user of rail service on the Rail Segment (or a state or local government entity acting on behalf of such a user) regarding cessation of service over the Rail Segment either is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period. LACMTA is

thus submitting a Notice of Exemption to confirm that the line is fully abandoned and that no freight service is available.

LACMTA intends to use the Rail Segment for storage and maintenance functions in connection with LACMTA's operation of light rail passenger transit service in Los Angeles County. The Rail Segment is part of the corridor that was the subject of the Historic and Environmental Report filed by UP on February 27, 2008, in connection with UP's proposed discontinuance of trackage rights in STB proceeding AB-33-265-X. Pursuant to the procedures set forth in the Board's Decision in Finance Docket Nos. 32172, *Los Angeles Co. Trans. Comm'n - Acquisition Exemption - The Atchison, Topeka and Santa Fe Ry Co* and 32173, *Orange Co. Trans Auth, Riverside Co. Trans Comm'n, San Bernardino Associated Govt's, San Diego Metropolitan Trans Dev Bd, North San Diego Co. Tran. Dev Bd - Acquisition Exemption - The Atchison, Topeka and Santa Fe Ry Co* (Service Date March 12, 1997), LACMTA will adopt and incorporate and rely upon UP's Historic and Environmental Report into LACMTA's proposed abandonment. A copy of that Historic and Environmental Report (which was previously provided to you by UP) is attached for your ready reference

Based on information in our possession, the Rail Segment does not contain federally granted rights of way. Any documentation in the railroad's possession will be made available promptly to those requesting it. Please contact LACMTA's representatives, Mr. Charles A. Spitulnik or Ms. Allison I. Fultz, at (202) 955-5600 with any questions.

Yours truly,  
  
Charles A. Spitulnik

Attachment



# KAPLAN KIRSCH ROCKWELL

May 8, 2008

Special Assistant for Transportation Engineering & Director  
Railroads for National Defense Program  
720 Thimble Shoals Boulevard, Suite 130  
Newport News, Virginia 23606-4537

**Re: Notice of Exemption – Proposed Abandonment of Los Angeles County  
Metropolitan Transportation District's Portion of the Santa Monica  
Industrial Lead, Los Angeles, CA  
Surface Transportation Board Docket No. AB-409-5-X**

Dear Sir or Madam:

On May 19, 2008, the Los Angeles County Metropolitan Transportation District ("LACMTA") plans to file a Notice of Exemption with the Surface Transportation Board ("STB") with respect to the abandonment of any residual rail freight common carrier obligation on a segment of a rail line in Los Angeles County, California, between milepost 485.69 and milepost 486.00, a distance of 0.31 mile (the "Rail Segment") along a line of railroad known as the Santa Monica Industrial Lead. The U.S. Postal Service zip code traversed by the Rail Segment is 90011. Pursuant to 49 U.S.C. §10502 and 49 C.F.R. §1152.50, LACMTA intends to effect the abandonment in accordance with the federal statutes and regulations governing actions exempt from regulation by the STB.

LACMTA's predecessor agency, the Los Angeles County Transportation Commission, acquired the Rail Segment from the former Southern Pacific Transportation Company ("Southern Pacific") in 1990. Southern Pacific retained the exclusive right to operate freight rail service over the Rail Segment. Union Pacific Railroad Company ("UP"), Southern Pacific's successor, filed a notice of exemption with the STB seeking to discontinue its operating rights on the Rail Segment on March 19, 2008, in STB docket number AB-33-265-X. Now that the holder of operating rights seeks to discontinue service on the Rail Segment, LACMTA, the owner of the Rail Segment, intends to fully abandon the right-of-way. No freight rail traffic has moved over the Rail Segment for over two years and no formal complaint filed by a user of rail service on the Rail Segment (or a state or local government entity acting on behalf of such a user) regarding cessation of service over the Rail Segment either is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period. LACMTA is thus submitting a Notice of Exemption to confirm that the line is fully abandoned and that no freight service is available.

Attorneys at Law  
Denver • New York • Washington, DC

Kaplan Kirsch & Rockwell LLP      tel (202) 955-5600  
1001 Connecticut Ave., N.W., Suite 905      fax (202) 955-5616  
Washington, DC 20036      www.kaplankirsch.com

Department of Defense

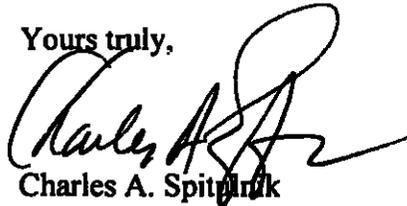
May 8, 2008

Page 2

LACMTA intends to use the Rail Segment for storage and maintenance functions in connection with LACMTA's operation of light rail passenger transit service in Los Angeles County. The Rail Segment is part of the corridor that was the subject of the Historic and Environmental Report filed by UP on February 27, 2008, in connection with UP's proposed discontinuance of trackage rights in STB proceeding AB-33-265-X Pursuant to the procedures set forth in the Board's Decision in Finance Docket Nos. 32172, *Los Angeles Co Trans Comm'n - Acquisition Exemption - The Atchison, Topeka and Santa Fe Ry Co* and 32173, *Orange Co Trans Auth, Riverside Co. Trans. Comm'n, San Bernardino Associated Govt's, San Diego Metropolitan Trans Dev. Bd., North San Diego Co Tran. Dev. Bd - Acquisition Exemption - The Atchison, Topeka and Santa Fe Ry Co.* (Service Date March 12, 1997), LACMTA will adopt and incorporate and rely upon UP's Historic and Environmental Report into LACMTA's proposed abandonment. A copy of that Historic and Environmental Report (which was previously provided to you by UP) is attached for your ready reference

Based on information in our possession, the Rail Segment does not contain federally granted rights of way. Any documentation in the railroad's possession will be made available promptly to those requesting it. Please contact LACMTA's representatives, Mr. Charles A. Spitulnik or Ms. Allison I. Fultz, at (202) 955-5600 with any questions.

Yours truly,

A handwritten signature in black ink, appearing to read "Charles A. Spitulnik", written over a printed name.

Charles A. Spitulnik

Attachment

171494



# KAPLAN KIRSCH ROCKWELL

May 8, 2008

U.S. Department of Agriculture  
Chief of the Forest Service  
1400 Independence Avenue, S.W.  
Washington, DC 20250-0003

**Re: Notice of Exemption – Proposed Abandonment of Los Angeles County  
Metropolitan Transportation District’s Portion of the Santa Monica  
Industrial Lead, Los Angeles, CA  
Surface Transportation Board Docket No. AB-409-5-X**

Dear Sir or Madam:

On May 19, 2008, the Los Angeles County Metropolitan Transportation District (“LACMTA”) plans to file a Notice of Exemption with the Surface Transportation Board (“STB”) with respect to the abandonment of any residual rail freight common carrier obligation on a segment of a rail line in Los Angeles County, California, between milepost 485.69 and milepost 486.00, a distance of 0.31 mile (the “Rail Segment”) along a line of railroad known as the Santa Monica Industrial Lead. The U.S. Postal Service zip code traversed by the Rail Segment is 90011. Pursuant to 49 U.S.C. §10502 and 49 C.F.R. §1152.50, LACMTA intends to effect the abandonment in accordance with the federal statutes and regulations governing actions exempt from regulation by the STB.

LACMTA’s predecessor agency, the Los Angeles County Transportation Commission, acquired the Rail Segment from the former Southern Pacific Transportation Company (“Southern Pacific”) in 1990. Southern Pacific retained the exclusive right to operate freight rail service over the Rail Segment. Union Pacific Railroad Company (“UP”), Southern Pacific’s successor, filed a notice of exemption with the STB seeking to discontinue its operating rights on the Rail Segment on March 19, 2008, in STB docket number AB-33-265-X. Now that the holder of operating rights seeks to discontinue service on the Rail Segment, LACMTA, the owner of the Rail Segment, intends to fully abandon the right-of-way. No freight rail traffic has moved over the Rail Segment for over two years and no formal complaint filed by a user of rail service on the Rail Segment (or a state or local government entity acting on behalf of such a user) regarding cessation of service over the Rail Segment either is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period. LACMTA is thus submitting a Notice of Exemption to confirm that the line is fully abandoned and that no freight service is available.

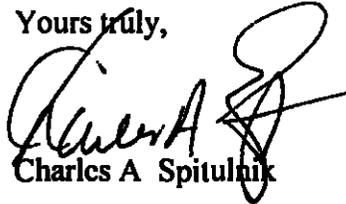
Attorneys at Law  
Denver • New York • Washington, DC

Kaplan Kirsch & Rockwell LLP      tel (202) 955-5600  
1001 Connecticut Ave., N.W., Suite 905      fax (202) 955-5616  
Washington, DC 20036      www.kaplankirsch.com

LACMTA intends to use the Rail Segment for storage and maintenance functions in connection with LACMTA's operation of light rail passenger transit service in Los Angeles County. The Rail Segment is part of the corridor that was the subject of the Historic and Environmental Report filed by UP on February 27, 2008, in connection with UP's proposed discontinuance of trackage rights in STB proceeding AB-33-265-X. Pursuant to the procedures set forth in the Board's Decision in Finance Docket Nos. 32172, *Los Angeles Co. Trans Comm'n - Acquisition Exemption - The Atchison, Topeka and Santa Fe Ry. Co* and 32173, *Orange Co Trans. Auth, Riverside Co. Trans Comm'n, San Bernardino Associated Govt's, San Diego Metropolitan Trans Dev Bd, North San Diego Co. Tran. Dev Bd - Acquisition Exemption - The Atchison, Topeka and Santa Fe Ry Co* (Service Date March 12, 1997), LACMTA will adopt and incorporate and rely upon UP's Historic and Environmental Report into LACMTA's proposed abandonment. A copy of that Historic and Environmental Report (which was previously provided to you by UP) is attached for your ready reference.

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Yours truly,



Charles A Spitulnik

Attachment

171496



# KAPLAN KIRSCH ROCKWELL

May 8, 2008

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

**Re: Notice of Exemption – Proposed Abandonment of Los Angeles County Metropolitan Transportation District’s Portion of the Santa Monica Industrial Lead, Los Angeles, CA  
Surface Transportation Board Docket No. AB-409-5-X**

Dear Sir or Madam:

On May 19, 2008, the Los Angeles County Metropolitan Transportation District (“LACMTA”) plans to file a Notice of Exemption with the Surface Transportation Board (“STB”) with respect to the abandonment of any residual rail freight common carrier obligation on a segment of a rail line in Los Angeles County, California, between milepost 485.69 and milepost 486.00, a distance of 0.31 mile (the “Rail Segment”) along a line of railroad known as the Santa Monica Industrial Lead. The U.S. Postal Service zip code traversed by the Rail Segment is 90011 Pursuant to 49 U.S.C. §10502 and 49 C.F.R. §1152.50, LACMTA intends to effect the abandonment in accordance with the federal statutes and regulations governing actions exempt from regulation by the STB.

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Attorneys at Law  
Denver • New York • Washington, DC

Kaplan Kirsch & Rockwell LLP tel (202) 955-5600  
1001 Connecticut Ave, N.W. Suite 905 fax (202) 955-5616  
Washington, DC 20036 www.kaplankirsch.com

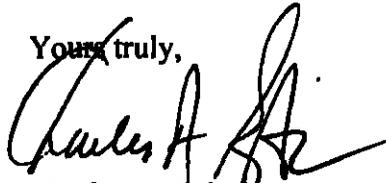
May 8, 2008

Page 2

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Yours truly,



Charles A. Spitulnik

Attachment

170999

**Certificate of Service**

I hereby certify that on this 29<sup>th</sup> day of May, 2008, I caused to be served a copy of the foregoing VERIFIED NOTICE OF EXEMPTION to be served by first class mail, postage prepaid, upon:

Gabriel S Meyer  
Union Pacific Railroad Company  
1400 Douglas Street Stop 1580  
Omaha, NE 68179

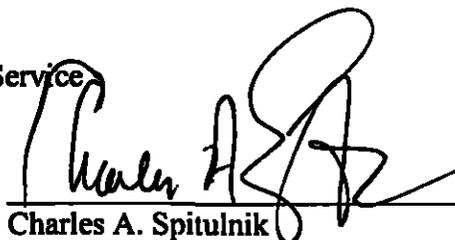
James Riffin  
1941 Greenspring Drive  
Timonium, MD 21093

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

Special Assistant for Transportation Engineering & Director  
Railroads for National Defense Program  
720 Thimble Shoals Boulevard, Suite 130  
Newport News, VA 23606-4537

National Park Service  
Recreation Resources Assistance Division  
Pacific West Region  
One Jackson Center  
1111 Jackson Street, Suite #700  
Oakland, CA 94607

U S. Department of Agriculture  
Chief of the Forest Service  
1400 Independence Avenue, S.W.  
Washington, DC 20250-0003  
Attn: Abigail Kimbell, Chief of the Forest Service

  
\_\_\_\_\_  
Charles A. Spitulnik