



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

227200

June 2, 2010

VIA E-FILING

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, S.W., Room #100
Washington, DC 20423-0001

RE: Abandonment Exemption of a portion of the Yakima Industrial Lead from M.P. 62.75 to M.P. 63.55, a distance of .80 miles near Midvale in Yakima County, Washington; STB Docket No. AB-33 (Sub-No. 286X)

Dear Ms. Brown:

Pursuant to the Board's exemption procedures for discontinuance of service of rail lines with no local business for at least two (2) years, (49 C.F.R. § 1152.50), I am hereby e-filing the Verified Notice of Exemption, including a Certificate of Service and Publication.

Please file the Notice of Exemption in Docket No. AB-33 (Sub-No. 286X). Enclosed is a credit authorization voucher in the amount of \$3,700.00 for the filing fee.

Sincerely,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", written over a horizontal line.

Attachment

cc: Kristy Clark, BNSF <via e-mail>
All Concerned Parties <via U.S. Mail>

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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 286X)

**UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN YAKIMA COUNTY, WASHINGTON
(YAKIMA INDUSTRIAL LEAD)**

Notice of Exemption

**UNION PACIFIC RAILROAD COMPANY
Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, #1920
Chicago, Illinois 60606
(312) 777-2055 (Tel.)
(312) 777-2065 (FAX)**

Dated and filed: June 2, 2010

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 286X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN YAKIMA COUNTY, WASHINGTON
(YAKIMA 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 Yakima Industrial Lead from Milepost 62.75 to Milepost 63.55, a total distance of .8 miles near Midvale, in Yakima County, Washington (the "Line").

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

The abandonment and discontinuance are proposed to be consummated on or after July 22, 2010 (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 the past 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 past 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 Yakima Industrial Lead from Milepost 62.75 to Milepost 63.55, a total distance of .8 miles in Yakima County, Washington.

(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 and discontinuance should be sent is: Mack H. Shumate, Jr.

Senior General Attorney
101 North Wacker Drive, #1920
Chicago, Illinois 60606
(312) 777-2055 (Tel.)
(312) 777-2065 (FAX)

(a)(8) ZIP Codes. The Line traverses U.S. Postal Service Zip Code 98930.

(e)(4) Rural and Community Impact.

Except for the possible exception for a bridge on the Line, the right-of-way proposed for abandonment would not be suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation.

The Line does not contain any reversionary property. Based upon information in UP's possession, the Line does not contain any federally granted rights-of-way.

UP has not been requested to provide service on the Line since 1992, when, under Finance Docket 32070, UP engaged in a joint relocation project with the Washington Central Railroad Company ("WC") to eliminate certain segments of the Yakima Industrial Lead while granting WC local trackage rights over the Line and over UP's Sunnyside line so that WC could act as UP's agent in serving the UP customers on the Line and on the Sunnyside line. In turn, WC granted trackage rights to UP on WC's line, sufficient for UP to access, if needed, the Line and the Sunnyside line. Subsequently, WC, with UP's concurrence, sold its WC line and any trackage rights WC had over the Line and Sunnyside line to BNSF Railway Company ("BNSF"). BNSF currently interchanges with the Central Washington Railroad Company ("CWRR") under a Lease and Operation Exemption filed with the Board in Finance Docket 34640 which covers the operations on the former WC line and exercise of the local trackage rights WC transferred to BNSF on the Sunnyside line and the Line. In that there are no customers on the Line, it is expected that BNSF and CWRR will make a separate filing with the Board to discontinue applicable trackage rights over the Line.

After the proposed abandonment, the area would continue to be served over the remaining portion of the Yakima Industrial Lead at Midvale, which is accessed by UP's Sunnyside line. Additionally, the Line lies within a couple miles of Interstate 82 via local roads.

Any documentation in UP's possession concerning the Line will be made available to those requesting it.

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.

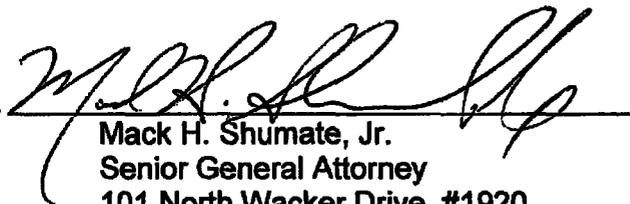
Environmental and Historic Report

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 was e-filed with Honorable Cynthia T. Brown, Chief, Section of Administration, on February 12, 2010. The EHR indicates that UP knows of no historic sites or structures on the Line except potentially for the bridge on the Line which is over 50 years old.

Dated this 2nd day of June, 2010.

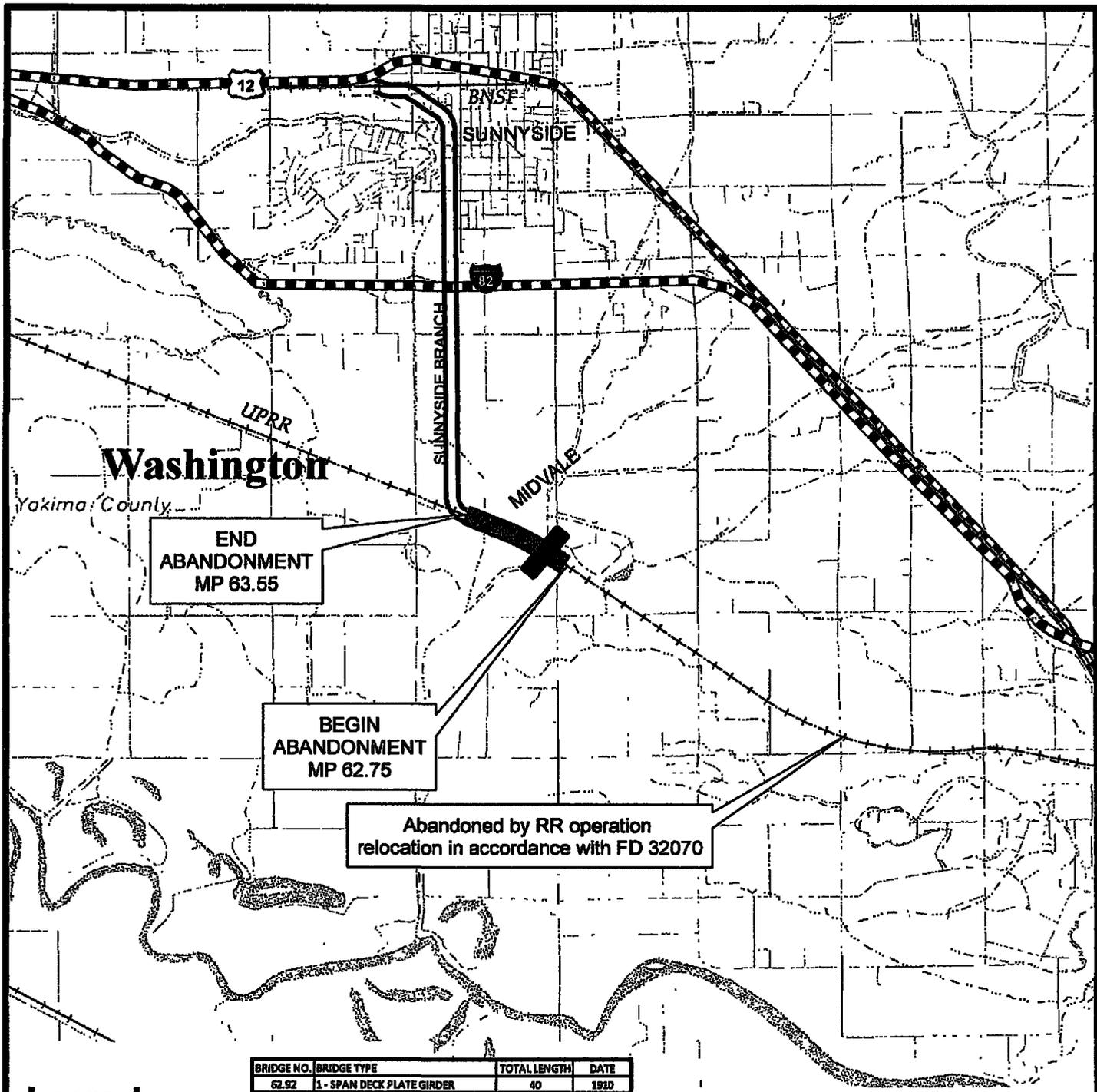
Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

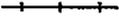


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Legend

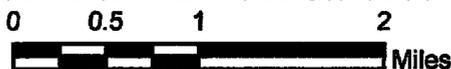
-  50 + YEAR OLD STRUCTURES
-  UPRR TO BE ABANDONED
-  OTHER UPRR LINES
-  OTHER RAILROADS
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

YAKIMA INDUSTRIAL LEAD

MP 62.75 TO MP 63.65
TOTAL OF 0.90 MILES IN YAKIMA COUNTY
IN WASHINGTON

**UNION PACIFIC RAILROAD CO.
YAKIMA INDUSTRIAL LEAD
WASHINGTON**

INCLUDING 50+ YEAR OLD STRUCTURES



**DOCKET NO. AB-33 (SUB-NO. 286X)
Yakima Industrial Lead**

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) - Notice

The undersigned certifies that on April 7, 2010 (at least ten (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 Yakima Industrial Lead in Yakima County in Washington, in Docket No. AB-33 (Sub-No. 286X). Written notice (a copy of which is attached hereto as **Attachment 1**) was served on the following:

Washington Utilities and Transportation
Commission
P.O. Box 47250
1300 S. Evergreen Park Dr. SW
Olympia, WA 98504-7250

U.S. Dept. of Agriculture
Chief of the Forest Service
4th Floor, N.W. Auditors Bldg.
14th St. & Independence Ave., SW
Washington, DC 20250

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

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 - Transmittal Letter For Applicant's Report

The undersigned certifies that on February 12, 2010 (at least twenty (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. 286X) for abandonment of the Yakima Industrial Lead in Yakima County in Washington, on the following:

- (1) State Clearinghouse (or alternate)
- (2) State Environmental Protection Agency
- (3) Head of each County
- (4) U.S. Environmental Protection Agency, Regional Office
- (5) U.S. Fish and Wildlife Service

- (6) U.S. Army Corps of Engineers
- (7) National Park Service
- (8) U.S. Natural Resources Conservation Service
- (9) The National Geodetic Survey
- (10) Other Agencies Consulted (As Listed)
- (11) State Historic Preservation Office

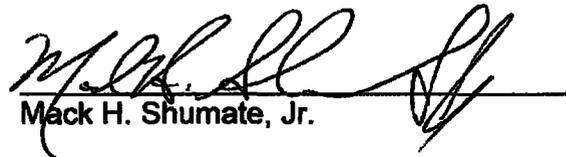
(The Certificate of Service attached to the Combined Environmental and Historic Report listed the names and addresses for the federal, state and local agencies.)

49 C.F.R. § 1105.12 - Newspaper Notice

The undersigned further certifies that a "Notice of Intent to Abandon or to Discontinue Rail Service" was published in the form prescribed by the Board for a Notice for Exemption. The Notice was published one time in a major newspaper in the county in which the Line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Yakima	Yakima Herald-Republic, Inc.	April 17, 2010

Dated this 2nd day of June, 2010.


Mack H. Shumate, Jr.

**NOTICE OF INTENT
TO ABANDON OR TO
DISCONTINUE RAIL
SERVICE**

UNION PACIFIC RAILROAD COMPANY ("UP") gives notice that on or after April 17, 2010, it intends to file with the Surface Transportation Board, Washington, D.C. 20423, a Notice of Exemption under 49 C.F.R. Part 1152, Subpart F - *Exempt Abandonments* - permitting the abandonment of a 0.8 mile line of railroad between railroad milepost 62.75 and railroad milepost 63.55, near Midvale, which traverses through United States Postal Service zip code 98930 in Yakima County, Washington. The proceeding will be docketed as No. AB-93 (Sub-No. 286X).

The Board's Section of Environmental Analysis ("SEA") will generally prepare an Environmental Assessment ("EA"), which will normally be available twenty-five (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) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, 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 the 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 (866) 254-1792. Copies of any comments or requests for conditions should be served on UP's: Mack Shumate, Jr., Senior General Attorney, 101 North Wacker Drive, #1920, Chicago, Illinois 60606 (312) 777-2055.

UNION PACIFIC
RAILROAD COMPANY

(09553865) April 17, 2010

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON,)
)
COUNTY OF YAKIMA)

DEBBIE MARTIN, being first duly sworn on oath deposes and says that she/he is the Accountant of Yakima Herald-Republic, Inc., a daily newspaper. Said newspaper is a legal newspaper approved by the Superior Court of the State of Washington for Yakima County under an order made and entered on the 13th day of February, 1968, and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continually as a daily newspaper in Yakima, Yakima County, Washington. Said newspaper is now and has been during all of said time printed in an office maintained at the aforesaid place of publication of said newspaper.

That the annexed is a true copy of a:

NOTICE OF INTENT TO ABANDON OR,

it was published in regular issues (and not in supplement form) of said newspaper once each DAY and for a period of 1 DAY(S) to-wit; on

the 17th day of APRIL, 2010

and the such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of \$196.07

Debbie Martin

Accountant



SUBSCRIBED AND SWORN to before me this 19th day of April, 2010

Diane Sims

NOTARY PUBLIC in and for the State of Washington, residing at Yakima.



February 12, 2010

VIA E-FILING

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, S.W., Room #100
Washington, DC 20423-0001

Re: Abandonment Exemption of a portion of the Yakima Industrial Lead from M.P. 62.7 to M.P. 63.55, a distance of .80 miles near Midvale in Yakima County, Washington; STB Docket No. AB-33 (Sub-No. 286X)

Dear Ms. Brown:

Attached for filing in the above-referenced docket is the Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Notice of Exemption in this matter on or after March 4, 2010.

Sincerely,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", written over a white background.

Attachment

cc: Kristy Clark, BNSF <via e-mail>
All Concerned Parties <via U.S. Mail>

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