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ENTERED
Office of Proceedings
May 2, 2023
Part of
Public Record

May 2, 2023

Via E-Filing

Ms. Cynthia T. Brown Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, D.C. 20423-0001

Re: **STB Docket No. AB-33 (Sub-No. 351X) Union Pacific Railroad Company–Abandonment
Exemption–in Weber and Davis Counties, Utah**

Dear Ms. Brown:

Pursuant to the Board's exemption procedures under 49 C.F.R. § 1152.50, enclosed for electronic filing in Docket No. AB-33 (Sub-No. 351X) is a Verified Notice of Exemption for Union Pacific Railroad Company to abandon approximately 6.2 miles of the Hill Field Industrial Lead from MP 0.6 to MP 6.8 in Weber and Davis Counties, Utah. The filing fee of \$4,600.00 has been paid via pay.gov.

Please feel free to contact me if you have any questions.

Sincerely,

/s/ Whitney Larkin

Whitney Larkin
General Attorney
Union Pacific Railroad

Enclosure

FILED
May 2, 2023
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
May 2, 2023
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 351X)
UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN WEBER AND DAVIS COUNTIES, UTAH

Verified Notice of Exemption

UNION PACIFIC RAILROAD COMPANY
Whitney C. Larkin
General Attorney
1400 Douglas Street MS 1580
Omaha, NE 68179
402-544-1121 (Tel.)
wclarkin@up.com

Dated: May 2, 2023

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 351X)
UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN WEBER AND DAVIS COUNTIES, UTAH

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 of the portion of the Hill Field Industrial Lead extending from Milepost 0.6 to Milepost 6.8, a total distance of 6.2 miles, in Weber and Davis Counties, Utah (the "Line").

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

The abandonment will not be consummated until at least 50 days after filing this Notice of Exemption.

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

UP certifies that no local or overhead traffic has moved over the Line for at least two years. Therefore, there is no need to reroute any traffic. UP further certifies that no formal complaint filed by a user of rail service on the Line (or filed by a state or local governmental entity acting on behalf of such user) regarding cessation of service over the Line is pending either with the Board or any U.S. District Court, or has been decided in favor of the complainant within the two-year period.

Additional Information Required: 49 C.F.R. 1152.22(a)(1)-(4), (7)-(8) and (e)(4)

(a) General.

(a)(1) The railroad's exact name is Union Pacific Railroad Company.

(a)(2) UP is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(a)(3) UP intends to abandon the portion of the Hill Field Industrial Lead extending from Milepost 0.6 to Milepost 6.8, a total distance of 6.2 miles, in Weber and Davis Counties, Utah.

(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:

Whitney C. Larkin
General Attorney
1400 Douglas Street MS 1580
Omaha, NE 68179
402-544-1121 (Tel.)
wclarkin@up.com

(a)(8) ZIP Codes. The Line traverses U.S. Postal Service Zip Codes 84405, 84067, 84015, and 84056.

(e)(4) Rural and Community Impact.

It is UP's intention to sell the right-of-way, track, ties, ballast, two bridges (located at Milepost 0.69 and Milepost 6.49), public road crossings, and railroad signals (all improvements), and assign any existing leases, licenses or easements, to the State of Utah Department of Transportation (UDOT). UP and UDOT have entered into a purchase and sale agreement outlining the terms and conditions for the sale subject to Board approval for abandonment and trail use. Culverts and right-of-way grading will remain intact so as not to alter the prevailing drainage and water flows along the Line. Ballast will typically be left in place but may be removed by the buyer after the sale if it

is of exceptional quality - thus suitable for resale - or to make the right of way more suitable for a planned future use.

After the proposed abandonment, the Line will be developed for hike/bike trail purposes, realignment of Interstate 15 near Hill Air Force Base, and construction of a new entrance into the Base. All track, ties, public road crossings, railroad signals, and the bridge located at Milepost 6.49 will be salvaged and removed by UDOT.

Based on UP's records, UP owns the real property in fee title interest, and the Line does not contain federally granted right-of-way. Any documentation in UP's possession with regard to ownership of the Line will be made available to those requesting it.

No local traffic has moved over the Line during the past two years, and there is no overhead traffic or passenger service on the Line. UP has received no request for rail service on the Line in well over two years. No complaint regarding cessation of service has been filed, is pending, or has been ruled upon in favor of a complainant during the prior two years.

A map of the Line is attached hereto as **Exhibit 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 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 cover letter which accompanied UP's Combined Environmental and Historic Report ("CEHR"), 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**

3. The CEHR was electronically filed with the Surface Transportation Board on March 28, 2023. The CEHR indicates there are two bridges on the line 50 years or older.

Since serving the CEHR, UP received correspondence from the Utah State Historic Preservation Office ("Utah SHPO") and the Utah Division of Public Utilities (Utah DPU). The Utah SHPO concurs with UP's determinations of eligibility and with the finding that no historic properties will be affected by the proposed undertaking. The Utah DPU has determined there is no obvious utility in the line being maintained and has recommended to the Utah Public Service Commission that no further action be taken. These letters are attached to Exhibit 3 referenced above.

Dated this 2nd day of May, 2023.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



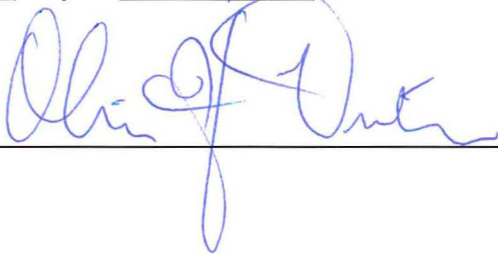
Whitney C. Larkin
General Attorney
1400 Douglas Street MS 1580
Omaha, NE 68179
402-544-1121 (Tel.)
wclarkin@up.com

VERIFICATION

State of Nebraska)
) ss:
County of Douglas)

I, Olin H. Dirks, Manager Commercial & Interline Strategy, for Union Pacific Railroad Company declare under penalty of perjury, under the laws of the United States of America, that I have read the forgoing document and that its assertions are true and correct to the best of my knowledge, information, and belief. I further declare that I am qualified and authorized to submit this verification on behalf of Union Pacific Railroad Company.

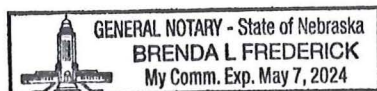
Dated at Omaha, Nebraska, this 2nd day of May, 2023.

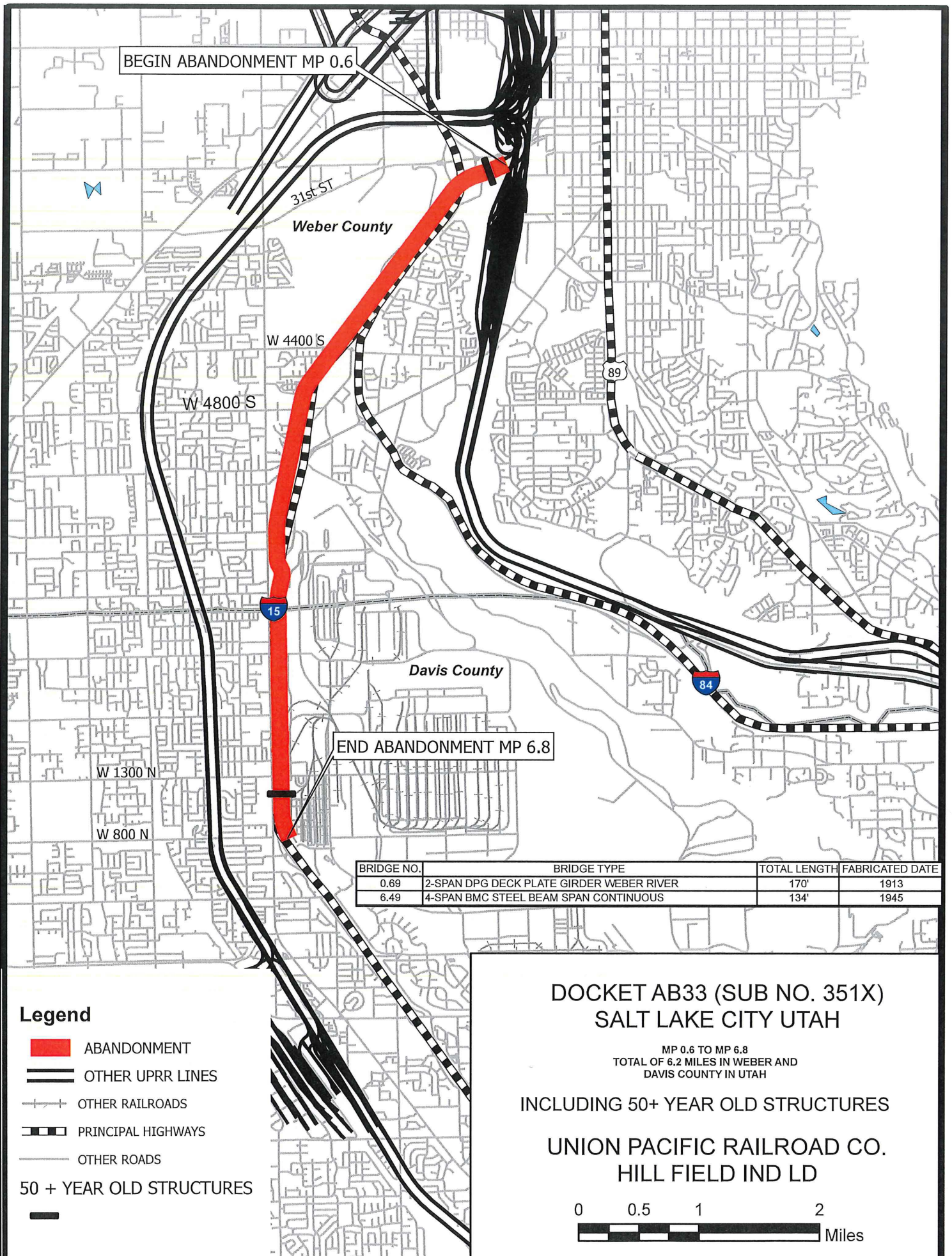


SUBSCRIBED AND SWORN TO
before me this 2nd day of
May, 2023.



Notary Public





DOCKET NO. AB-33 (Sub-No. 351X)

UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN WEBER AND DAVIS COUNTIES, UTAH

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) – Notice

The undersigned certifies that on April 6, 2023 (at least 10 days before a Notice of Exemption is filed), written notice was given by Union Pacific stating Union Pacific's intent to use the Notice of Exemption procedure to abandon the Hill Field Industrial Lead in Weber and Davis Counties, Utah. in Docket No. AB-33 (Sub-No. 351X). Said written notice (a copy of which is attached hereto as **Attachment 1**) was served on the following:

Utah Public Service Commission
Heber M. Wells Building
160 East 300 South, 4th Floor
Salt Lake City, UT 84111
psc@utah.gov

ATTN: Recreation Resources Assistance
Division
National Park Service
1849 C Street NW
Washington, DC 20240

Chief of the Forest Service
U. S. Department of Agriculture
4th Floor, N.W. Auditors Bldg.
1400 Independence Ave. SW
Washington, DC 20250-1111

ATTN: Railroads for National Defense
Program Transportation Engineering
Agency (SDTE-SA)
Headquarters – Military Surface
Deployment & Distribution Command
1 Soldier Way
Scott AFB, IL 62225

49 C.F.R. § 1105.11 – Transmittal Letter for Applicant's Report

The undersigned certifies that on March 28, 2023 (at least 20 days before a Notice of Exemption is filed), a Combined Environmental and Historic Report pursuant

to 49 C.F.R. § 1105.7 and 1105.8 was served in Docket No. AB-33 (Sub-No. 351X) for abandonment of the Hill Field Industrial Lead in Weber and Davis Counties, Utah, 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

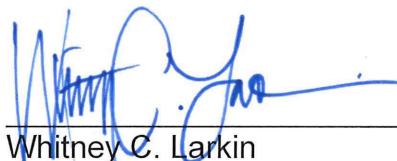
(The Certificate of Service attached to the cover letter which accompanied UP's Combined Environmental Historic Reports lists the names and addresses of the federal, state and local agencies.)

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

The undersigned further certifies that a "Notice of Intent to Abandon and Discontinue Service" was published in the form prescribed by the Board for a Notice of Exemption (Copy Attached as **Attachment 2**). 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>
Weber, Davis	The Standard Examiner	April 18, 2023

Dated this 2nd day of May, 2023.



Whitney C. Larkin
General Attorney
1400 Douglas Street MS 1580
Omaha, NE 68179
402-544-1121 (Tel.)
wclarkin@up.com



BUILDING AMERICA®

April 6, 2023

Utah Public Service Commission
Heber M. Wells Building
160 East 300 South, 4th Floor
Salt Lake City, UT 84111
psc@utah.gov

ATTN: Recreation Resources Assistance Division
National Park Service
1849 C Street NW
Washington, DC 20240

Chief of the Forest Service
U. S. Department of Agriculture
4th Floor, N.W. Auditors Bldg.
1400 Independence Ave. SW
Washington, DC 20250-1111

ATTN: Railroads for National Defense Program
Transportation Engineering Agency (SDTE-SA)
Headquarters – Military Surface Deployment &
Distribution Command
1 Soldier Way
Scott AFB, IL 62225

Re: Proposed Abandonment and Discontinuance of the Hill Field Industrial Lead near Ogden, Weber and Davis Counties, UT, STB Docket No. AB-33 (Sub-No. 351X)

To Whom It May Concern:

Please be advised that Union Pacific Railroad Company ("UP") expects to file with the United States Surface Transportation Board ("STB"), on or after April 17, 2023, a notice of an exempt abandonment on a line of railroad known as the Hill Field Industrial Lead located near Ogden, in Weber and Davis Counties, Utah, extending from Milepost 0.6 to 6.8 a total distance of 6.2 miles (the "Line"). The Line traverses U.S. Postal Service Zip Codes 84405, 84067, 84015, and 84056.

The "no business" exemption procedure will be used to abandon the Line, pursuant to the STB's abandonment regulations at 49 C.F.R. §1152.50. No local traffic has moved over the Line for at least two years and there is no overhead traffic on the Line. A Notice of Exemption to abandon service on the Line pursuant to 49 C.F.R. § 1152.50 (no local traffic for at least two years) will be filed with the STB on or after April 17, 2023.

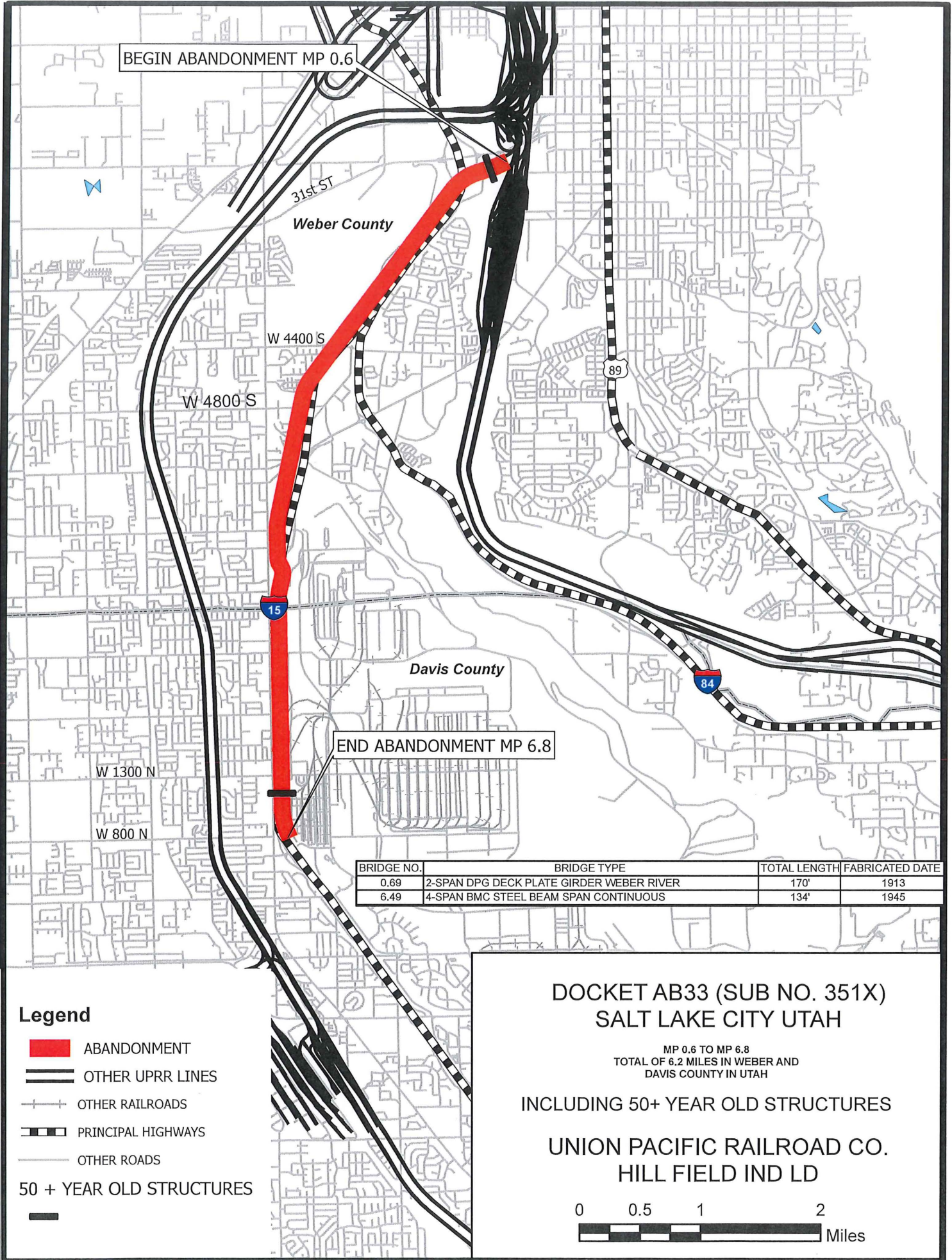
Based on information in UP's possession, the Line does not contain federally granted right-of-way. Any documentation in UP's possession will be made available promptly to those requesting it. A map showing the segment of Line to be abandoned is attached for your information.

Sincerely,

A handwritten signature in black ink, appearing to read "Whitney C. Larkin".

Whitney C. Larkin
General Attorney
Union Pacific Railroad Co.
1400 Douglas Street, MS 1580
Omaha, Nebraska 68179
(402) 544-1121
wclarkin@up.com

Attachment



BEGIN ABANDONMENT MP 0.6

31st ST

Weber County

W 4400 S

W 4800 S

15

Davis County

W 1300 N

W 800 N

END ABANDONMENT MP 6.8

89

84

BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	FABRICATED DATE
0.69	2-SPAN DPG DECK PLATE GIRDER WEBER RIVER	170'	1913
6.49	4-SPAN BMC STEEL BEAM SPAN CONTINUOUS	134'	1945

Legend

- ABANDONMENT
- OTHER UPRR LINES
- OTHER RAILROADS
- PRINCIPAL HIGHWAYS
- OTHER ROADS
- 50 + YEAR OLD STRUCTURES

DOCKET AB33 (SUB NO. 351X)
SALT LAKE CITY UTAH

MP 0.6 TO MP 6.8
TOTAL OF 6.2 MILES IN WEBER AND
DAVIS COUNTY IN UTAH

INCLUDING 50+ YEAR OLD STRUCTURES

UNION PACIFIC RAILROAD CO.
HILL FIELD IND LD



NOTICE

AFFIDAVIT OF PUBLICATION IN THE FIRST JUDICIAL

State of Utah ss
County of Utah

Jamie Rivera being duly sworn, says:

That she is the Legals Billing Clerk of the Standard Examiner,
which is, and was at the times of publication, hereinafter mentioned, a
newspaper printed and published in Provo, Utah County
in the State of Utah:
that the copy, a copy of which is attached hereto, was published in
the said newspaper on the dates listed below.

NOTICE

Was published in said newspaper 1 TIMES
First, on 4/18/2023 and last on 4/18/2023

That said newspaper was regularly issued and circulated on those dates.
Same was also published online at utahlegals.com, according to Section
45-1-101 -Utah Code Annotated, beginning on the first date of publication, for at
least 30 days thereafter and a minimum of 30 days prior to the date of scheduled.

Jamie Rivera
Legals Billing Clerk

Subscribed and sworn to before me on this date 4/19/2023

Jayne Dunn
Jayne Dunn, Notary Public, Weber County, Utah
My Commission Expires: September 10, 2026



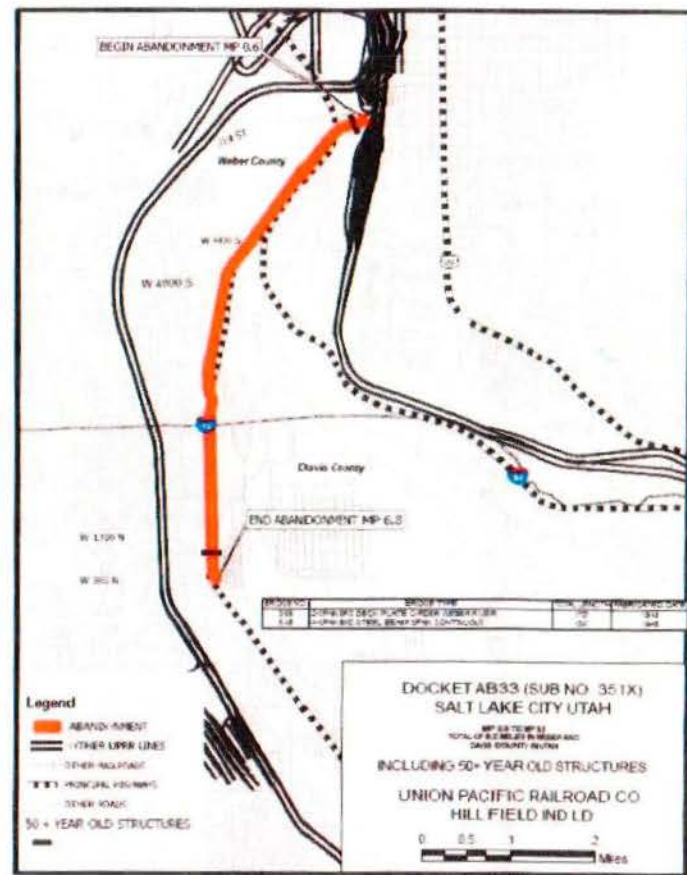
NOTICE OF INTENT TO ABANDON RAIL SERVICE

UNION PACIFIC RAILROAD COMPANY (UP) GIVES NOTICE THAT ON OR AFTER April 17, 2023, it intends to file with the Surface Transportation Board, Washington, D.C., a notice of exemption under 49 C.F.R. Part 1152, Subpart F – Exempt Abandonments permitting the abandonment and discontinuance of service on that portion of the Hill Field Industrial Lead extending from Milepost 0.6 to 6.8 a total distance of 6.2 miles near Ogden, in Weber and Davis Counties, Utah (the "Line") which traverses U.S. Postal Service ZIP Codes 84405, 84067, 84015, and 84056. The proceeding has been docketed as No. AB-33 (Sub-No. 351X).

The Board's Office of Environmental Analysis (OEA) 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 Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423 or by calling that office at (202) 245-0291.

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 Proceedings, 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 Public Assistance, Governmental Affairs, and Compliance at (866) 254- 1792. Copies of any comments or requests for conditions should be served on UP's representative: Whitney C. Larkin, 1400 Douglas Street, MS 1580, Omaha, NE 68179, 402-544-1121.

UNION PACIFIC RAILROAD COMPANY



306387



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ENTERED
Office of Proceedings
March 28, 2023
Part of
Public Record

March 28, 2023

VIA US Mail

TO: See Attached Service List

Re: Proposed Abandonment of the Hill Field Industrial Lead near Ogden, Weber and Davis Counties, UT, STB Docket No. AB-33 (Sub-No. 351X)

To Whom It May Concern:

On or after April 17, 2023, Union Pacific Railroad Company ("UP") expects to be filing with the Surface Transportation Board ("STB" or "Board") a Notice of Exemption seeking authority to abandon and discontinue service on the Hill Field Industrial Lead near Ogden, Utah, from Milepost 0.6 to Milepost 6.8, a total distance of 6.2 miles in Weber and Davis Counties, Utah ("the line"). Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

Union Pacific is providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC, telephone (202) 245-0291 and refer to the above Docket No. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to our representative) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Whitney C. Larkin who may be contacted by telephone at 402-544-1121 or by mail at 1400 Douglas Street, MS 1580, Omaha, NE 68179.

Sincerely,

/s/ Whitney C. Larkin

Whitney C. Larkin
General Attorney

Attachment

Docket No. AB-33 (Sub-No. 351X)

Service List

State Clearinghouse (or Alternate):

Utah State Clearinghouse
Office of Management and Budget
PO Box 142210
Salt Lake City, UT 84114-2210

State Environmental Protection Agency:

Utah Department of Environmental Quality
Division of Water Quality
P.O. Box 144870
Salt Lake City, UT 84114-4870

Environmental Protection Agency (Regional Office):

U.S. Environmental Protection Agency
Region 8
1595 Wynkoop St.
Denver, CO 80202-1129

State of Utah Historic Preservation Office:

Utah State Historical Society
3760 S. Highland Dr.
Salt Lake City, UT 84106-4260

U.S. Fish and Wildlife Service:

U.S. Fish & Wildlife Service
Mountain-Prairie Regional Office
134 Union Blvd.
Lakewood, CO 80228

U.S. Army Corps of Engineers:

U.S. Army Engineer District, Sacramento
District Commander
1325 J Street, Rm 1513
Sacramento, CA 95814-2922

National Park Service (Regional Office):

National Park Service
Intermountain Region
12795 Alameda Pkwy
PO Box 25287
Denver, CO 80225-0287

U.S. Natural Resources Conservation Service:

Natural Resource Conservation Service
Wallace F. Bennett Federal Building
125 South State Street, Room 4010
Salt Lake City, UT 84138-1177

National Geodetic Survey:

NGS Information Services, NOAA, N/NGS12
Geodetic Services Division SSMC-3 #9340
1315 E-W Highway
Silver Spring, Maryland 20910-3282

Head of Weber County, Utah:

Weber County Commission
2380 Washington Blvd., Ste. #360
Ogden, UT 84401

Head of Davis County, Utah:

Davis County Commission
61 S. Main Street, Suite 301
PO Box 618
Farmington, UT 84205



Spencer J. Cox
Governor

Deidre M. Henderson
Lieutenant Governor

Jill Remington Love
Executive Director
Utah Department of Cultural
and Community Engagement



Christopher Merritt
State Historic Preservation Officer
Utah State Historic Preservation Office

April 13, 2023

Rick Harris

Union Pacific Railroad Company

RE: Section 106 review, UPRR Hill Field industrial Lead line sale to the State of Utah Department of Transportation

For future correspondence, please reference Case No. 23-0442

Dear Mr Harris,

The Utah State Historic Preservation Office received your submission and request for our comment on the above-referenced undertaking on April 06, 2023.

We understand that you've been delegated authority for Section 106 review by the STB. Based on the information provided to our office, we concur with your determinations of eligibility and with the finding that no historic properties will be affected by the proposed undertaking.

This letter serves as our comment on the determinations you have made within the consultation process specified in §36CFR800.4. If you have questions, please contact me at 801-245-7263 or by email at cmerritt@utah.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Merritt", written over a horizontal line.

Christopher W. Merritt
State Historic Preservation Officer



SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

UTAH DEPARTMENT OF COMMERCE

Division of Public Utilities

MARGARET W. BUSSE
Executive Director

CHRIS PARKER
Division Director

Action Request Response

To: Public Service Commission of Utah

From: Utah Division of Public Utilities

Chris Parker, Director
Brenda Salter, Assistant Director
Doug Wheelwright, Utility Technical Consultant Supervisor
Casey J. Coleman, Utility Technical Consultant

Date: April 27, 2023

Re: **Docket No. 23-999-11**, Union Pacific Railroad Company's Proposed Abandonment and Discontinuance of the Hill Field Industrial Lead.

Recommendation (No Action Required)

Pursuant to Utah Code § 54-4a-1 and Utah Admin. Code R746-1-401, the Division of Public Utilities (Division) files this Action Request Response. The Division recommends that the Public Service Commission of Utah (Commission) take no further action regarding the notice of proposed abandonment filed by Union Pacific Railroad Company (UP) in this docket.

Discussion

On April 6, 2023, UP filed a notice of proposed abandonment of a short rail line segment that travels through both Davis County and Weber County, Utah. UP's notice filed with the Commission indicates that it intends to file with the United States Surface Transportation Board (STB), on or after April 17, 2023, a notice of an exempt abandonment under the STB's "no business" exemption procedure. The Commission issued an Action Request to the Division on April 6, 2023, directing the Division to review and make a recommendation regarding the notice.

Division of Public Utilities

Heber M. Wells Building • 160 East 300 South • P.O. Box 146751 Salt Lake City, UT 84114-6741
www.dpu.utah.gov • telephone (801) 530-7622 • toll-free in Utah (877) 874-0904 • fax (801) 530-6512

The Division recommends the Commission take no further action on this notice. The STB has exclusive jurisdiction over the abandonment of rail lines. The information provided by UP is filed with the Commission to satisfy the STB's procedural requirements for an exempt abandonment.

Second, the Division does not object to the abandonment and is unaware of any objections. The spur line that is proposed to be abandoned does not appear to currently be in use or useable and does not appear to have been used for an extended period. There is no obvious utility in the line being maintained.

Finally, on April 12, 2023, in a phone conversation with UP and the Division, a representative of UP indicated that UP is not expecting any response from the Commission. The experience of UP is that these abandonments occur without any response from a state regulatory commission.

Conclusion

For the reasons stated above, the Division recommends that the Commission take no further action on this notice.

cc: Whitney C. Larkin, General Attorney, Union Pacific
Patricia Schmid, DPU
Patrick Grecu, DPU