

UNION PACIFIC RAILROAD
1400 Douglas Street, Stop 1580
Omaha, Nebraska 68179

P 402 544 4735
jmberman@up.com

Jeremy M. Berman

General Attorney

240815

May 31, 2016

ENTERED
Office of Proceedings
May 31, 2016
Part of
Public Record

VIA E-FILE

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

**RE: Proposed Abandonment and Discontinuance of UP trackage in Alameda County, California
STB Docket No. AB-33 (Sub-No. 326X)**

Dear Ms. Brown:

Pursuant to the Board's exemption procedures for discontinuance of trackage rights under 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. 326X). Enclosed is a credit authorization voucher in the amount of \$3,900.00 for the filing fee.

Sincerely,


Jeremy M. Berman

FEE RECEIVED
May 31, 2016
SURFACE
TRANSPORTATION BOARD

FILED
May 31, 2016
SURFACE
TRANSPORTATION BOARD



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**Docket No. AB-33 (Sub-No. 326X)
UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN ALAMEDA COUNTY, CA**

Verified Notice of Exemption

UNION PACIFIC RAILROAD COMPANY
Jeremy M. Berman
General Attorney
1400 Douglas St, #1580
Omaha, NE 68179
402-544-4735 (Tel.)
402-501-0129 (FAX)
jmberman@up.com

Dated: May 31, 2016

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**Docket No. AB-33 (Sub-No. 326X)
UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN ALAMEDA COUNTY, CA**

Notice of Exemption

Union Pacific Railroad Company ("UP") submits this verified Notice of Exemption pursuant to 49 C.F.R. Part 1152, Subpart F -- Exempt Abandonments and Discontinuances of Service and Trackage Rights for an exempt abandonment of service of UP's connection to and all remaining UP trackage on Alameda Island, consisting of five segments: (i) UP's Alameda Industrial Lead from MP 10.0 near Fruitvale to MP 10.4 near Lincoln Jct; (ii) The Alameda Industrial Lead from MP 16.0 near Mastic Jct to MP 18.2 near West Alameda; (iii) the former South Pacific Coast Railway mainline from MP 5.0 at West Alameda to MP 6.1 at Pacific Jct; (iv) the connection between the Alameda Industrial Lead at MP 18.0 and South Pacific Coast MP 5.4, near West Alameda; and (v) track #7, the connection between the Alameda Belt Line near St Charles Avenue, and the Alameda Industrial Lead at its MP 16.5 near Constitution Way, a total of 4.3 miles in Alameda County, California, and also including all other UP ancillary, industrial, switching, siding and spur trackage on Alameda Island (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 20, 2016 (at least 50 days after filing the Notice of Exemption).

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

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

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

(a) General.

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

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

(a)(3) UP intends to abandon UP's connection to and all remaining UP trackage on Alameda Island, consisting of five segments: (i) UP's Alameda Industrial Lead from MP 10.0 near Fruitvale to MP 10.4 near Lincoln Jct; (ii) The Alameda Industrial Lead from MP 16.0 near Mastic Jct to MP 18.2 near West Alameda; (iii) the former South Pacific Coast Railway mainline from MP 5.0 at West Alameda to MP 6.1 at Pacific Jct; (iv) the connection between the Alameda Industrial Lead at MP 18.0 and South Pacific Coast MP 5.4, near West Alameda; and (v) track #7, the connection between the Alameda Belt Line near St Charles Avenue, and the Alameda Industrial Lead at its MP 16.5 near Constitution Way, a total of 4.3 miles in Alameda County, California.

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

(a)(7) The representative to whom correspondence regarding this abandonment and discontinuance should be sent is:

Jeremy M. Berman
General Attorney
1400 Douglas St, #1580
Omaha, NE 68179
402-544-4735 (Tel.)
402-501-0129 (FAX)
jmberman@up.com

(a)(8) ZIP Codes. The Line traverses U.S. Postal Service Zip Codes 94501 and 94601.

(e)(4) Rural and Community Impact.

The right-of-way of the Line proposed for abandonment may be suitable for a public purpose in the form of a corridor for utilities such as sanitary sewer lines, roads or highways, or other forms of mass transportation, energy production or transmission. The property may also be suitable for conservation as a hike/bike trail.

The Line proposed for abandonment contains non-reversionary property. Based on UP's records, the Line does not contain federally granted right-of-way. Any documentation in the UP's possession related to the Line will be made available promptly 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 Office of Environmental Analysis (OEA), on March 23, 2016. UP has received no further comments on the CEHR since it was filed.

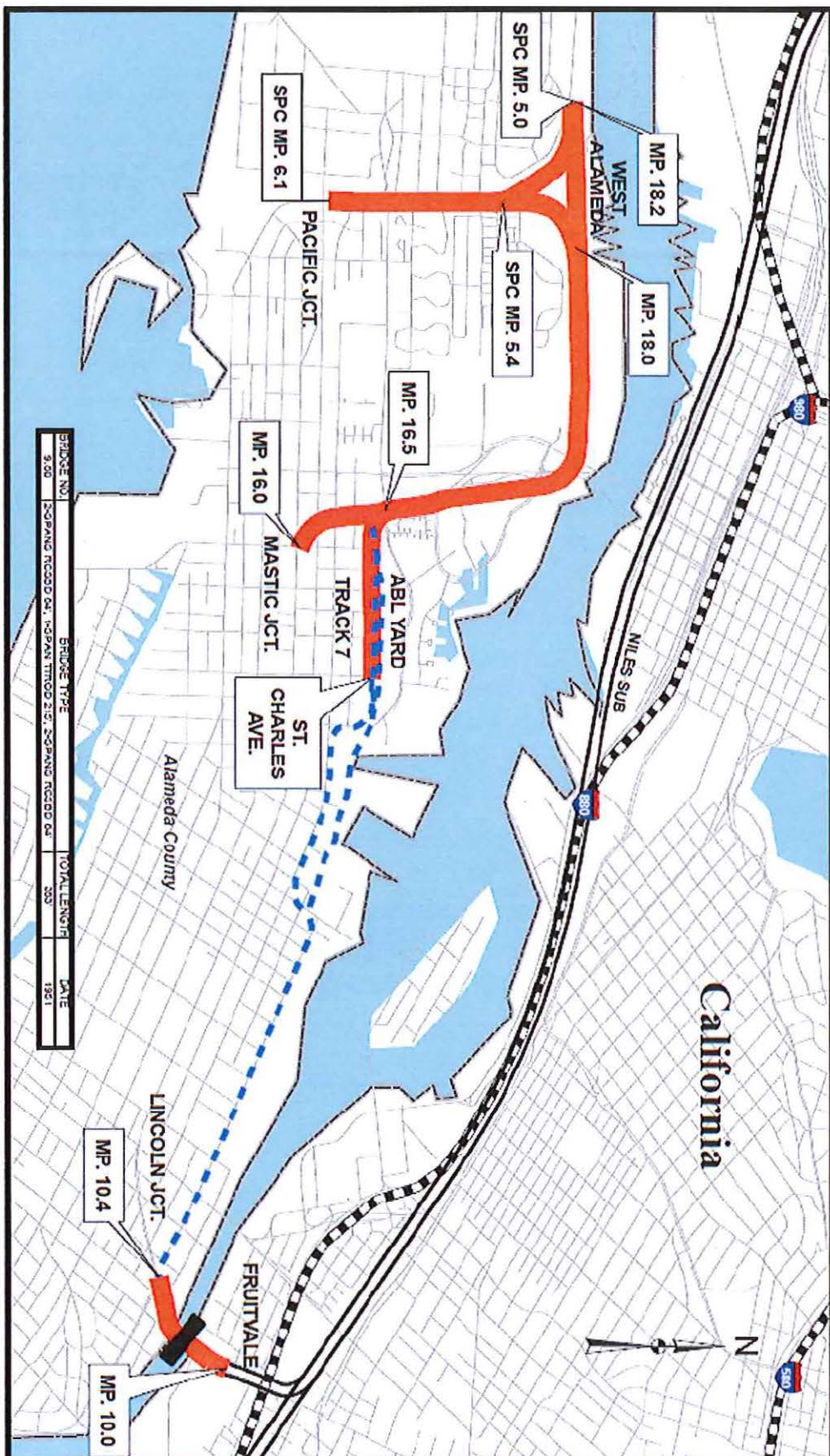
Dated this 31st day of May, 2016.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



Jeremy M. Berman
General Attorney
1400 Douglas St, #1580
Omaha, NE 68179
402-544-4735 (Tel.)
402-501-0129 (FAX)
jmberman@up.com



Legend

- ABANDONMENT
- - - FORMER ABL TRACKAGE (see AB33-291X)
- = OTHER TRACKS
- OTHER ROADS
- = PRINCIPAL HIGHWAYS
- = 50 + YEAR OLD STRUCTURES

ALAMEDA ISLAND

UNION PACIFIC RAILROAD CO.
TOTAL OF 4.3 MILES IN ALAMEDA COUNTY
IN CALIFORNIA

UNION PACIFIC RAILROAD CO.

ALAMEDA ISLAND

CALIFORNIA

INCLUDING STRUCTURES



DOCKET NO. AB-33 (SUB-NO. 326X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN ALAMEDA COUNTY, CA

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) – Notice

The undersigned certifies that on April 4, 2016 (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 UP trackage in Alameda County, California in Docket No. AB-33 (Sub-No. 326X). Said written notice (a copy of which is attached hereto as **Attachment 1**) was served on the following:

Public Service Commission
505 Van Ness Avenue
San Francisco, CA 94102

National Park Service
Pacific West Regional Office
333 Bush Street, Suite 500
San Francisco, CA 94104-2828

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

Headquarters
Military Surface Deployment &
Distribution Command
Transportation Engineering Agency
ATTN: ADTE - SA
Railroads for National Defense
Program
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

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

The undersigned certifies that on May 10, 2016 (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. 326X) for abandonment of abandon the UP trackage in Alameda County, California 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

(This Certificate of Service attached to 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>
Alameda	Oakland Tribune	April 2, 2016

Dated this 31st day of May, 2016



Jeremy M. Berman

Attachment 1

UNION PACIFIC RAILROAD
1400 Douglas Street, Stop 1580
Omaha, Nebraska 68179

P 402 544 4735
jmberman@up.com

Jeremy M. Berman

April 4, 2016

Public Service Commission
505 Van Ness Avenue
San Francisco, CA 94102

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

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

Headquarters
Military Surface Deployment & Distribution
Command
Transportation Engineering Agency
ATTN: ADTE - SA
Railroads for National Defense Program
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

Re: Proposed Abandonment and Discontinuance of segments of the Alameda Industrial Lead, a total distance of 4.3 miles in Alameda County, California; STB Docket No. AB-33 (Sub-No. 326X)

Dear Sir or Madam:

Please be advised that Union Pacific Railroad Company ("UP") expects to file with the United States Surface Transportation Board ("STB"), on or after April 20, 2016, a notice of an exempt abandonment on five segments of a line of railroad known as the Alameda Industrial Lead, described below, for a total of 4.3 miles in Alameda County, California. The Line traverses U.S. Postal Service zip codes 94501 and 94601.

- i) from MP 10.0 near Fruitvale to MP 10.4 near Lincoln Jct.;
- ii) from MP 16.0 near Mastic Jct. to MP 18.2 near West Alameda;
- iii) from MP 5.0 at West Alameda to MP 6.1 at Pacific Jct. (former South Pacific Coast Railway mainline);
- iv) the connection between the Alameda Industrial Lead at MP 18.0 and South Pacific Coast MP 5.4, near West Alameda; and



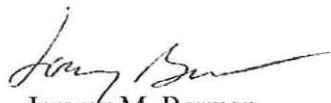
- v) the connection between the Alameda Belt Line near St Charles Avenue and the Alameda Industrial Lead at MP 16.5 near Constitution Way,

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 15, 2016.

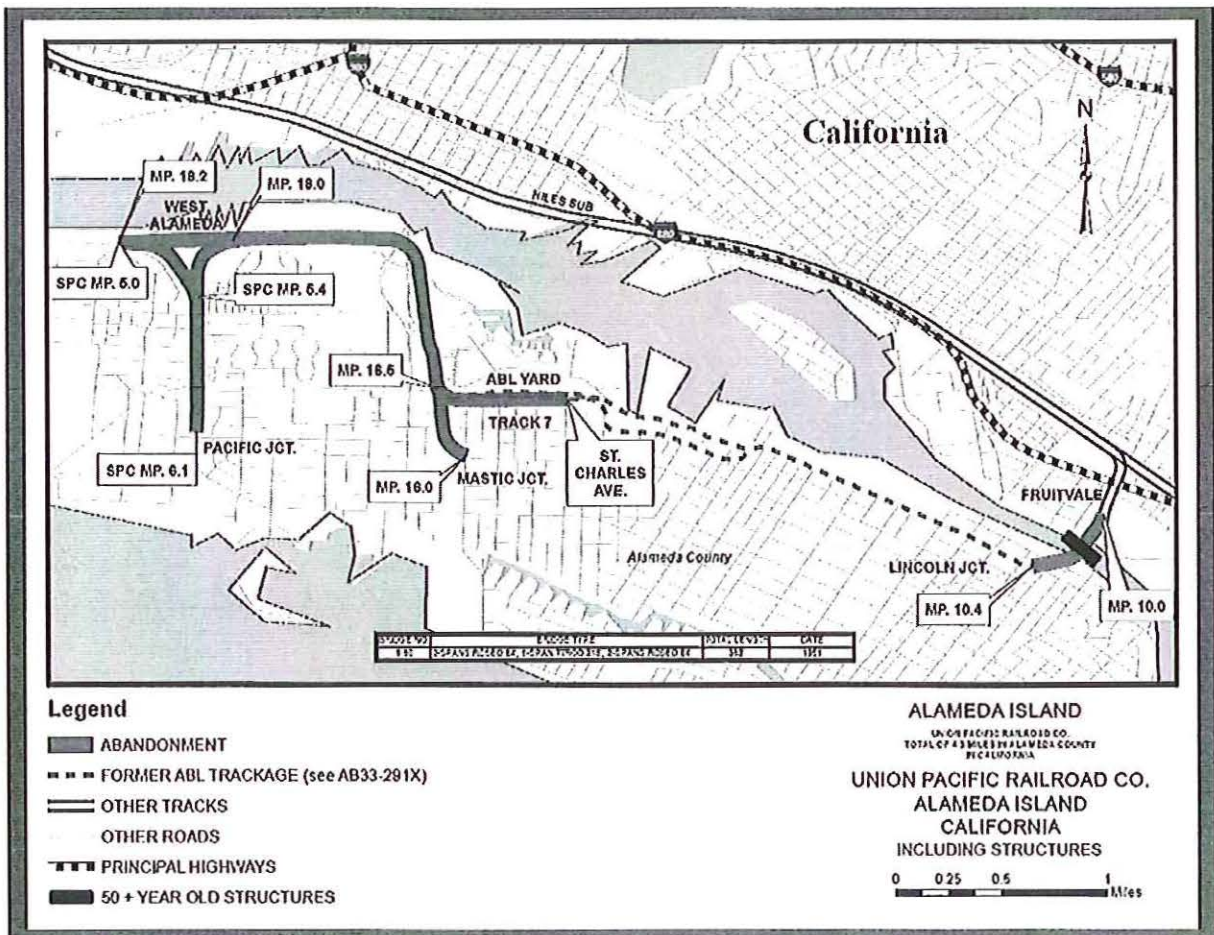
Based on information in UP's possession, the Line does not contain federally granted right-of-way. Any documentation in UP's possession will be made available promptly to those requesting it.

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

Sincerely,


Jeremy M. Berman
General Attorney

Attachment



Oakland Tribune

1970 Broadway, Suite 100
Oakland, CA 94612
510-723-2850

3760831

UNION PACIFIC RAILROAD COMPANY
SARAH RIEF
1400 DOUGLAS ST., STOP 1580
OMAHA, NE 68179

PROOF OF PUBLICATION**FILE NO. Abandon Rail Svc Alameda Island**

In the matter of

Oakland Tribune

The Oakland Tribune

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the Legal Advertising Clerk of the printer and publisher of The Oakland Tribune, a newspaper published in the English language in the City of Oakland, County of Alameda, State of California.

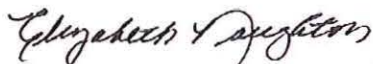
I declare that The Oakland Tribune is a newspaper of general circulation as defined by the laws of the State of California as determined by this court's order, dated December 6, 1951, in the action entitled In the Matter of the Ascertainment and Establishment of the Standing of The Oakland Tribune as a Newspaper of General Circulation, Case Number 237798. Said order states that "The Oakland Tribune is a newspaper of general circulation within the City of Oakland, and the County of Alameda, and the State of California, within the meaning and intent of Chapter 1, Division 7, Title 1 [§§ 6000 et seq.], of the Government Code of the State of California." Said order has not been revoked, vacated, or set aside.

I declare 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:

04/02/2016

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

Dated: April 8, 2016



Public Notice Advertising Clerk

Legal No.

0005702200

Attachment 2

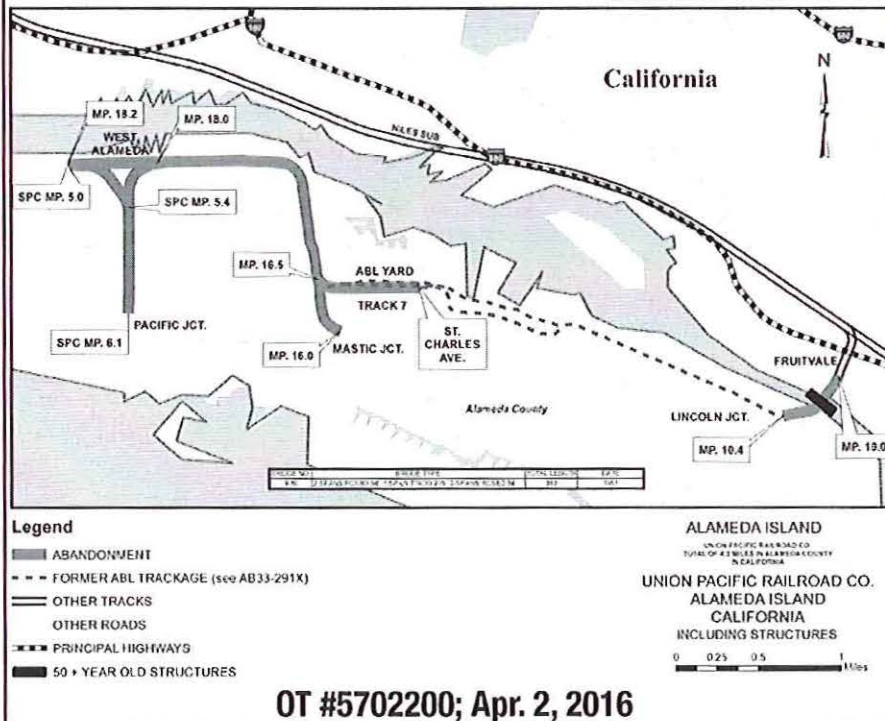
NOTICE OF INTENT TO ABANDON RAIL SERVICE

UNION PACIFIC RAILROAD COMPANY (UP) GIVES NOTICE THAT ON OR AFTER April 15, 2016, 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 segments of the Alameda Industrial Lead as follows: (i) from MP 10.0 near Fruitvale to MP 10.4 near Lincoln Jct.; (ii) from MP 16.0 near Mastic Jct. to MP 18.2 near West Alameda; (iii) from MP 5.0 at West Alameda to MP 6.1 at Pacific Jct.; (iv) the connection between the Alameda Industrial Lead at MP 18.0 and South Pacific Coast MP 5.4, near West Alameda; and (v) the connection between the Alameda Belt Line near St Charles Avenue and the Alameda Industrial Lead at MP 16.5 near Constitution Way, a total distance of 4.3 miles in Alameda County, California (the "Line") and traverses U.S. Postal Service Zip Codes 94501 and 94601. The proceeding has been docketed as No. AB-33 (Sub-No. 326X).

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 used 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: Jeremy M. Berman, General Attorney, 1400 Douglas St., STOP 1580, Omaha, NE 68179, 402-544-4735.

UNION PACIFIC RAILROAD COMPANY



May 10, 2016

VIA US Mail

TO: See Attached Service List

RE: Proposed Abandonment and Discontinuance of UP trackage in Alameda County, California; STB Docket No. AB-33 (Sub-No. 326X)

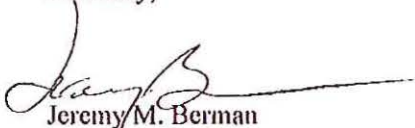
To whom it may concern:

On or after May 30, 2016, 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 all remaining UP trackage on Alameda Island, consisting of five segments: (i) UP's Alameda Industrial Lead from MP 10.0 near Fruitvale to MP 10.4 near Lincoln Jct; (ii) The Alameda Industrial Lead from MP 16.0 near Mastic Jct to MP 18.2 near West Alameda; (iii) the former South Pacific Coast Railway mainline from MP 5.0 at West Alameda to MP 6.1 at Pacific Jct; (iv) the connection between the Alameda Industrial Lead at MP 18.0 and South Pacific Coast MP 5.4, near West Alameda; and (v) track #7, the connection between the Alameda Belt Line near St Charles Avenue, and the Alameda Industrial Lead at its MP 16.5 near Constitution Way, a total of 4.3 miles in Alameda County, CA, and also including all other UP ancillary, industrial, switching, siding and spur trackage on Alameda Island (collectively 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. AB-33 (Sub-No. 326X). 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 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Jeremy M. Berman who may be contacted by telephone at 402-544-4735 or by mail at 1400 Douglas St., Stop 1580, Omaha, NE 68179.

Sincerely,



Jeremy M. Berman

Attachment

Docket No. AB-33 (Sub-No. 326X)

Service List

State Clearinghouse (or Alternate):

Office of Planning and Research
1400 10th St. #12
Sacramento, CA 95814

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
San Francisco District
1455 Market Street
San Francisco, CA 94103-1398

State Environmental Protection Agency:

California Environmental Protection Agency
1001 I Street
P.O. Box 2815
Sacramento, CA 95812-2815

National Park Service (Regional Office):

National Park Service
Pacific West Region
333 Bush Street, Suite 500
San Francisco, CA 94104-2828

Environmental Protection Agency (Regional Office):

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

U.S. Natural Resources Conservation Service:

U.S. Natural Resources Conservation Service
Livermore Service Center
3585 Greenville Road, Suite 2
Livermore, CA 94550-6707

State of California Historic Preservation Office:

Julianne Polanco
State Historic Preservation Office
1725 23rd Street, Suite 100
Sacramento, CA 95816

National Geodetic Survey:

Geodetic Services Division
SMCC-3 #9209
NOAA N/NGS2
1315 E-W Highway
Silver Spring, Maryland 20910

U.S. Fish and Wildlife Service:

U.S. Fish and Wildlife Service
Pacific Southwest Region
2800 Cottage Way
Sacramento, CA 95825

Head of Alameda County, California:

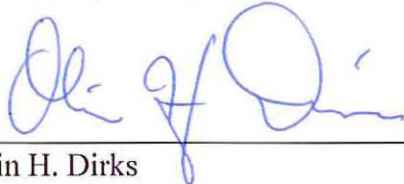
Alameda County Clerk
1106 Madison Street
Oakland, CA 94607

VERIFICATION

STATE OF NEBRASKA)
)SS:
COUNTY OF DOUGLAS)

I, OLIN H. DIRKS, Senior Manager Rail Line Planning of Union Pacific Railroad Company, declare under penalty of perjury, under the law of the United States of America, that I have read the foregoing 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 31st day of May, 2016.



Olin H. Dirks

SUBSCRIBED AND SWORN TO
before me this 31st day of
May, 2016.



Notary Public

My Commission expires: March 5, 2020

