



October 29, 2003



VIA UPS OVERNIGHT DELIVERY

Surface Transportation Board
Section of Environmental Analysis
1925 "K" Street, N.W., Room 504
Washington, DC 20423-0001

ENTERED
Office of Proceedings

OCT 30 2003

Part of
Public Record

Attention: Victoria Rutson

RE: Docket No. AB-33 (Sub-No. 210X), Union Pacific Railroad Company - Abandonment - In Maricopa County, Arizona (Creamery Spur) from Milepost 914.3 to Milepost 916.4, a distance of 2.1 miles near University Drive between Priest Drive and Hayden Road in Tempe, Arizona

Dear Ms. Rutson:

Union Pacific Railroad Company ("Union Pacific") has received a request from the City of Tempe, Arizona ("City") seeking the issuance of a Certificate or Notice of Interim Trail Use pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 regarding that portion of the Union Pacific's right-of-way known as the Creamery Spur from Milepost 914.3 to Milepost 916.4 in Tempe, Arizona, a distance of approximately 2.1 miles in Maricopa County, Arizona. The Union Pacific is negotiating with the City concerning the acquisition of the subject property for trail use and supports the City's request to negotiate for a period of 180 days. A copy of the City's request is attached hereto as Exhibit "A" and hereby made a part hereof.

Ten (10) additional copies of this letter, with exhibit, are enclosed for the Board's use and distribution.

Sincerely yours,

Enclosures

cc: Darlene Evans, STB
<Via Facsimile: 202/565-9004>

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EXHIBIT "A"

VIA FACSIMILE AND HAND DELIVERY

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

Tracie D. Spear
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Re: **Docket No. AB-33 (Sub-No. 210X), Union Pacific Railroad Company –
Abandonment Exemption – In Maricopa County, Arizona (Creamery Spur)**

Dear Secretary Williams:

On October 6, 2003, the City of Tempe (the "City") filed with the Surface Transportation Board a **Letter Requesting Issuance of a Notice of Interim Trail Use ("NITU")**, pursuant to 49 C.F.R. § 1152.29. The purpose of this letter is to amend the description of the property for which the City seeks issuance of a NITU.

The City requests issuance of a NITU for Union Pacific Railroad Company's ("UP") Creamery Spur between approximately milepost 914.3 and approximately milepost 916.4 (the "Subject Line"). The Subject Line extends for a distance of approximately 2.1 miles and is located near University Drive between Priest Drive and Hayden Road, in Tempe, Maricopa County, Arizona. The Subject Line does not include the industrial spur that runs from approximately MP 915.0 to the end of the industrial spur at the Hayden Flour Mills. See Maps of the Subject Line, attached hereto as Attachments A and B.

If you have any further questions, please feel free to contact me.

Respectfully submitted,



Tracie D. Spear

Attorney for City of Tempe

Attachments