

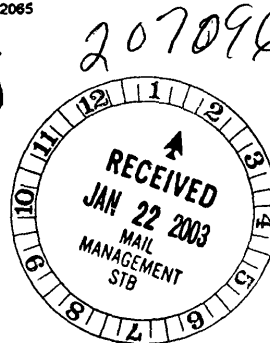
UNION PACIFIC RAILROAD COMPANY

LAW DEPARTMENT

101 NORTH WACKER DRIVE, SUITE 1920

ENTERED CHICAGO, ILLINOIS 60606
Office of Proceedings NO. 312-777-2065RONALD J. CUCHNA
GENERAL SOLICITOR
312-777-2040

JAN 22 2003

January 22, 2003 Part of
Public RecordVIA UPS NEXT DAY AIRMr. Vernon Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001GEORGE H. BRANT
312-777-2051
MACK H. SHUMATE, JR.
312-777-2055
DANIEL R. LA FAVE
312-777-2046
LINDA J. COYLE
312-777-2056
THOMAS W. CUSHING
312-777-2053
FREDERICK P. JOHNSTON, JR.
312-777-2047

RE: Docket AB-33 (Sub-No. 198X), Union Pacific Railroad
Company - Abandonment Exemption - In Alameda County, CA
- Petition for Notice of Interim Trail Use

Dear Mr. Williams:

The Union Pacific Railroad Company has received a request from the Berkeley Department of Transportation on behalf of the City of Berkeley, California for a 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 Ninth Street Electric Industrial Lead from the border between the City of Berkeley and the City of Emeryville to M.P. 1.40 at the end of the Line north of Heinz Avenue in the City of Berkeley, Alameda County, California. The Union Pacific is willing to negotiate with the City of Berkeley concerning the acquisition of the subject property for trail use and supports the City of Berkeley's request to negotiate for a period of 180 days. A copy of the City of Berkeley's request is attached hereto as Exhibit "A" and hereby made a part hereof. This request for Interim Trail Use by the City of Berkeley does not include any of the trackage included in the Abandonment Exemption located in the City of Emeryville, Alameda County, California.

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

Very truly yours,

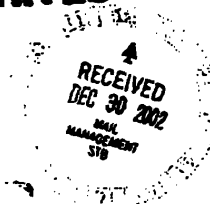
Mack H. Shumate, Jr.
Senior General Attorney

Enclosures

O:\ABANDONMENTS\33-198X\STB.002



FILING FEE WAIVED



Office of Transportation

December 20, 2002

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K St., NW, Rm 711
Washington, DC 20423

FILING FEE WAIVED

206962 ENTERED
Office of Proceedings

DEC 30 2002

Part of
Public Record

Re: Union Pacific-Abandonment-Alameda County AB-33 (Sub-no. 198x)

Dear Mr. Williams:

This comment should be treated as a protest or a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of the City of Berkeley which is a city, which is hereinafter referred to as 'Commenter'.

While not taking a position on the merits of this abandonment, Commenter requests a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between The Berkeley/Emeryville border and Milepost 1.40 at the end of the Line north of Heinz Avenue in Berkeley.

Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, Commenter also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. §1152.29, City of Berkeley is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by Union Pacific and operated by Union Pacific.

The property, known as the Ninth Street Electrical Industrial Lead extends from railroad milepost 0.00 near Powell Street in Emeryville to railroad milepost 1.40 near Heinz Avenue in Berkeley a distance of 1.40 miles in Alameda County, California. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-33 (Sub-no. 198x)

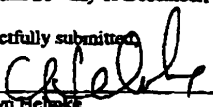


A map depicting the right-of-way is attached.

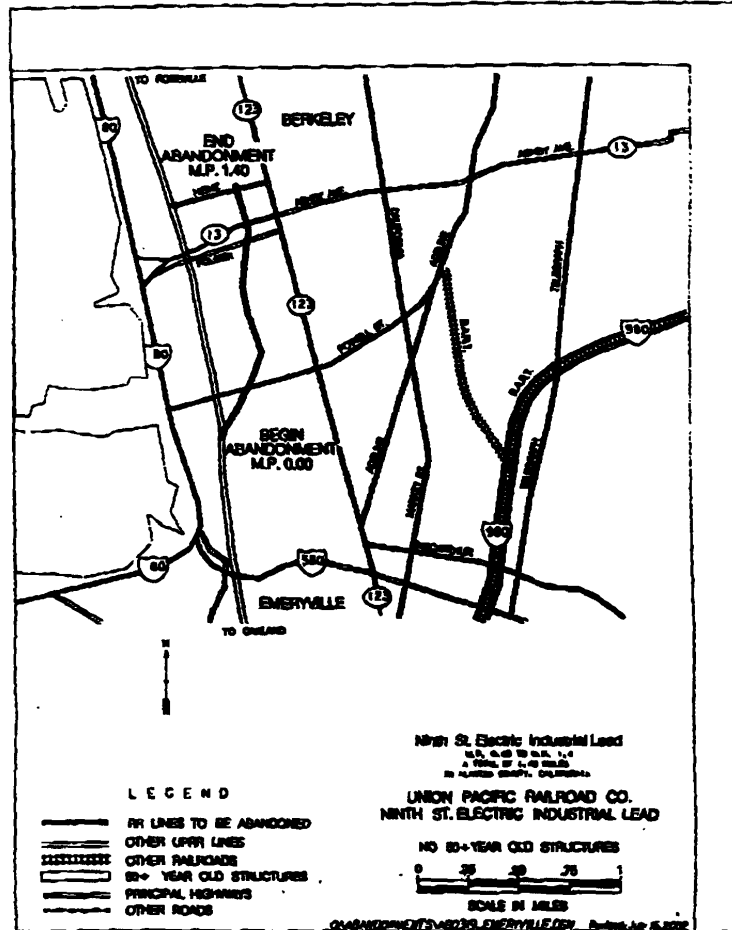
City of Berkeley acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon Union Pacific by U.S. Mail, postage prepaid, first class, this 20th day of December, 2002.

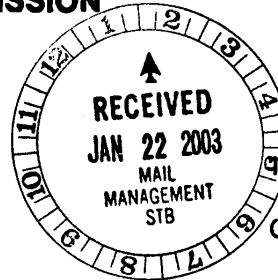
Respectfully submitted,


Carolyn Melnick
on behalf of: The City of Berkeley

ATTACHMENT 1



00033

**UNION PACIFIC RAILROAD COMPANY
FACSIMILE TRANSMISSION**

Law Department
Chicago

901 N. Wacker Dr.
Room 1920
Chicago, IL 60606

Deliver to: Taledia Stokes

Company: Surface Transportation Board

Fax: 202/565-9002

From: Mack H. Shumate, Jr.

Tele: 312/777-2055

Date: January 22, 2003

Fax: 312/777-2065

No. of Pages Transmitted -5 - Including Cover

RE: Docket AB-33 (Sub-No. 198X), Union Pacific Railroad Company –
Abandonment Exemption – In Alameda County, CA –Petition for Notice of Interim
Trail Use

Comments: Attached please find the Union Pacific's response to the City of Berkeley's
request in the captioned matter. Thank you for your assistance in this regard.

ENTERED
Office of Proceeding

JAN 22 2003

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