

**KAPLAN KIRSCH ROCKWELL**

April 16, 2007

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VIA HAND DELIVERY

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: Finance Docket No. 35008; *Utah Transit Authority – Acquisition Exemption – The Union Pacific R. Co. In Salt Lake Co., UT*

Dear Mr. Williams:

I am writing to clarify the nature of the “remaining width” of the right-of-way that Utah Transit Authority (“UTA”) is acquiring in the transaction described in the Notice of Exemption that UTA filed in the above-referenced proceeding on March 27, 2007. In that Notice, UTA stated that it is acquiring from the Union Pacific Railroad Company (“UPRR”) the remaining width of a portion of the Bingham Industrial Lead, a line of railroad main track corridor (formerly The Denver and Rio Grande Western Railroad Company) as said line extends in a westerly direction from Midvale, Utah, M.P. 0.00 of said line, to Bagley, M.P. 6.60 of said line (the “Bingham Industrial Lead”), of which right-of-way UTA acquired a thirty-five foot (35') strip from UPRR as part of the transaction described in STB F.D. No. 34170, *Utah Transit Auth. – Acquisition Exemption – Certain Assets of Union Pacific R. Co., slip op.* (Service Date May 22, 2002) (the “FD 34170 Notice”).

The transaction described in F.D. No. 34170 involved acquisition of 62.77 miles of railroad line, *FD 34170 Notice* at 1 fn.3, and six (6) 35-foot strips of land, one of which is part of the right-of-way in the 6.6 mile line segment that is the subject of the instant proceeding. *See FD 34170 Notice* at 2 fn.5. The 35-foot wide strip of land previously acquired on the Bingham Industrial Lead is currently bare ground.

The “remaining width” that is being acquired in the transaction that is the subject of F.D. No. 35008 is the portion of the right-of-way on which the rail and supporting operating infrastructure are located.

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If there are any further questions about this matter, please do not hesitate to call on me.

Sincerely,



Charles A. Spitalnik

cc:: Joseph Dettmar, Esq.
All parties of record in F.D. No. 35008

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