

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

P 402 544 4735
jmberman@up.com

Jeremy M. Berman

General Attorney

March 20, 2018

245344

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

ENTERED
Office of Proceedings
March 20, 2018
Part of
Public Record

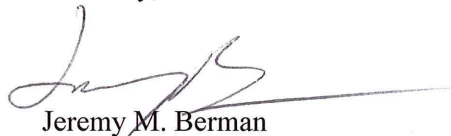
**RE: Proposed discontinuance of the Former Mart Line near Waco TX, from Milepost 173.7 to Milepost 175.0 near Chapel Hill Road, Waco, a distance of 1.3 miles to be discontinued, all in McLennan County, Texas
STB Docket No. AB-33 (Sub-No. 335X)**

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. 335X). Enclosed is a credit authorization voucher in the amount of \$4,100.00 for the filing fee.

Sincerely,



Jeremy M. Berman

FILED
March 20, 2018
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
March 20, 2018
SURFACE
TRANSPORTATION BOARD



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**Docket No. AB-33 (Sub-No. 335X)
UNION PACIFIC RAILROAD COMPANY
--DISCONTINUANCE OF SERVICE EXEMPTION--
IN MCLENNAN COUNTY, TX
(FORMER MART LINE)**

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: March 20, 2018

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**Docket No. AB-33 (Sub-No. 335X)
UNION PACIFIC RAILROAD COMPANY
--DISCONTINUANCE OF SERVICE EXEMPTION--
IN MCLENNAN COUNTY, TX
(FORMER MART LINE)**

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 discontinuance of the Former Mart Line near Waco TX, from Milepost 173.7 to Milepost 175.0 near Chapel Hill Road, Waco, a distance of 1.3 miles to be discontinued, all in McLennan County, Texas (the "Line").¹

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

The discontinuance is proposed to be consummated on or after May 9, 2018 (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

¹ UP originally submitted this discontinuance in Docket No. AB-33 (Sub-No 334X). Following discussions with the Board's Office of Proceedings, UP learned that it must submit this discontinuance under a separate docket. All pre-filing notices for this docket were submitted under Docket No. AB-33 (Sub-No 334X) and UP requests that the two dockets be linked on the Board's website to allow the public to find relevant filings. Docket No. AB-33 (Sub-No 334X) will remain active and will apply only to the abandonment sought in that docket.

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 discontinue the former Mart Line from Milepost 173.7 to Milepost 175.0 near Waco, in McLennan County, Texas, a total distance of 1.3 miles.

(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 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 is wholly contained within U.S. Postal Service Zip Code 76705.

(e)(4) Rural and Community Impact.

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. After the discontinuance, the area will still receive rail service from nearby UP rail lines.

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.

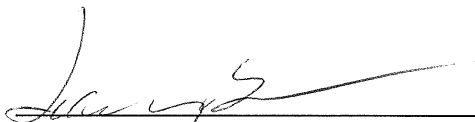
Environmental and Historic Report

While an Environmental and Historic Report is not required for a discontinuance, this discontinuance was addressed in the Combined Environmental and Historic Report served in Docket No. AB 33 (Sub-No. 334X) and responses to the CEHR are included in that docket.

Dated this 20th day of March, 2018.

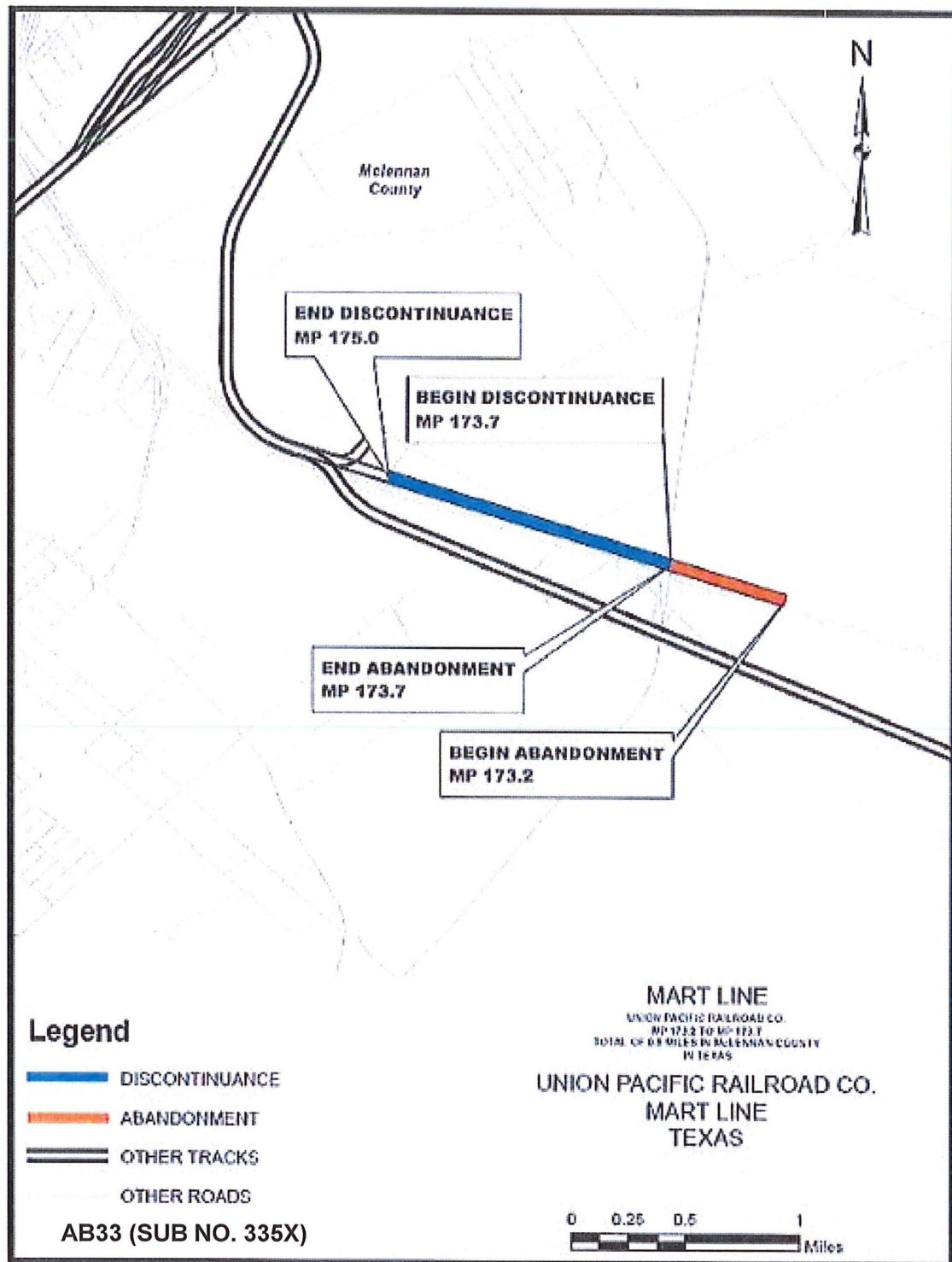
Respectfully submitted,

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

EXHIBIT 1



DOCKET NO. AB-33 (Sub-No. 335X)

UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN MCLENNAN COUNTY, TX
(FORMER MART LINE)

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) – Notice

The undersigned certifies that on December 7, 2017 (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 a portion of the Mart Line, extending from Milepost 173.2 to Milepost 173.7 near Waco, and for Discontinuance only from Milepost 173.7 to Milepost 175.0 near Chapel Hill Road, all in McLennan County, Texas in Docket No. AB-33 (Sub-No. 334X).

Said written notice (a copy of which is attached hereto as **Attachment 1**) was served on the following:

Peter Espy, Director
Rail Division
Texas Department of Transportation
125 E. 11th St.
Austin, TX 78701-2483

Sue Masica, Regional Director
Intermountain Region
National Park Service
12795 Alameda Pkwy
Denver, CO 80225

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

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

ATTACHMENT 1 to EX. 2

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

P 402 544 4735
jmberman@up.com

Jeremy M. Berman

General Attorney

December 7, 2017

Peter Espy, Director
Rail Division
Texas Department of Transportation
125 E. 11th St.
Austin, TX 78701-2483

Sue Masica, Regional Director
Intermountain Region
National Park Service
12795 Alameda Pkwy
Denver, CO 80225

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Headquarters
Military Surface Deployment & Distribution
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ATTN: ADTE - SA
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**RE: Proposed Abandonment and Discontinuance of a portion of the Mart Line,
extending from Milepost 173.2 to Milepost 173.7 near Waco, and for Discontinuance
only from Milepost 173.7 to Milepost 175.0 near Chapel Hill Road, all in McLennan
County, Texas
STB Docket No. AB-33 (Sub-No. 334X)**

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 November 30, 2017, a notice of exempt abandonment on a line of railroad known as the Former Mart Line near Waco, TX, from the end of the line at Milepost 173.2 to Milepost 173.7 near the TX 340 Loop crossing, and for discontinuance only from Milepost 173.7 to Milepost 175.0 near Chapel Hill Road, Waco, a distance of 0.5 miles to be abandoned, and 1.3 miles to be discontinued, all in McLennan County, Texas (the "Line"). The Line is wholly contained within U.S. Postal Service Zip Code 76705.

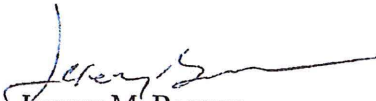
The "no business" exemption procedure will be used to abandon the Line, pursuant to the STB's abandonment regulations at 49 C.F.R. §1152.50. No local traffic has moved over the Line for at least two years and there is no overhead traffic on the Line. A Notice of Exemption to abandon service on the Line 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 December 20, 2017.

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.

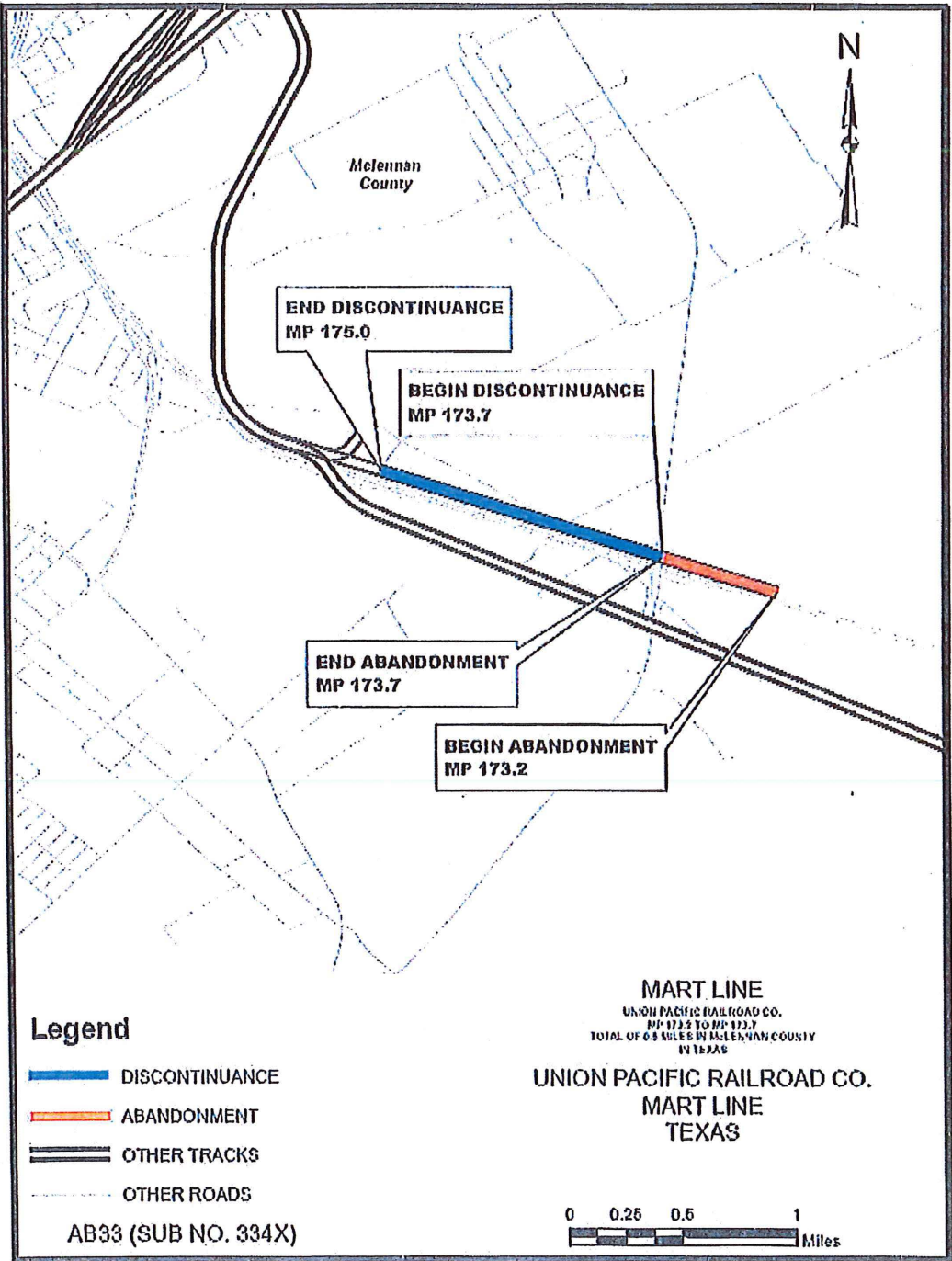


A map showing the segment of Line to be abandoned is attached for your information.

Sincerely,


Jeremy M. Berman
General Attorney

Attachment



Waco Tribune-HeraldWaco, McLennan County,
Texas**Affidavit of Publication**

Account Number

1053072

UNION PACIFIC RAILROAD
Attn LORI CASEY
1400 DOUGLAS ST MAILSTOP 1580
OMAHA, NE 68179

Date	Category	Description	Ad Size	Total Cost
12/18/2017	Legal Notices	INTENT TO ABANDON RAIL SVC	4 x 4.25 IN	907.26

**Publisher of the
Waco Tribune-Herald**

Before me, a notary public, on this day personally appeared Ana Lozano-Harper and after being duly sworn, states that she is a Multi Media Sales Manager of the Waco Tribune Herald, a newspaper published in Waco, McLennan County, Texas, and that the Notice, a copy of which is hereto attached, was published in said newspaper on the following named dates, to-wit:

12/12/2017

The First insertion being given ... 12/12/2017

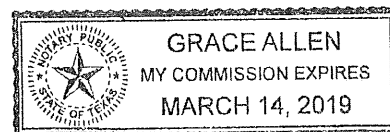
Newspaper reference: 0000435222

Sworn to and subscribed before me this day: 12/12/17

Grace Allen
Notary Public

Ana Lozano Harper
Multi Media Sales Manager

State of Texas
Waco, McLennan County
My Commission expires



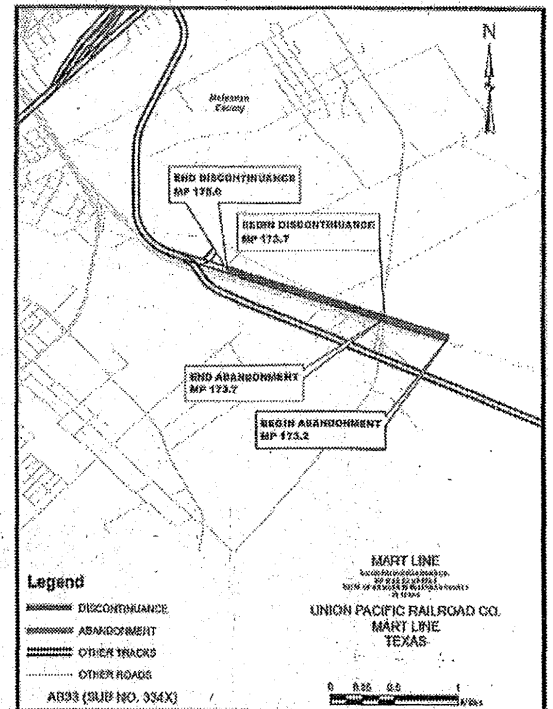
NOTICE OF INTENT TO ABANDON RAIL SERVICE

UNION PACIFIC RAILROAD COMPANY (UP) GIVES NOTICE THAT ON OR AFTER December 20, 2017, 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 a line of railroad known as the Former Mart Line near Waco, TX, from the end of the line at Milepost 173.2 to Milepost 173.7 near the TX 340 Loop crossing, and for discontinuance only from Milepost 173.7 to Milepost 175.0 near Chapel Hill Road, Waco, a distance of 0.5 miles to be abandoned, and 1.3 miles to be discontinued, all in McLennan County, Texas (the "Line"). The Line is wholly contained within U.S. Postal Service Zip Code 76705. The proceeding has been docketed as No. AB-33 (Sub-No. 334X).

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

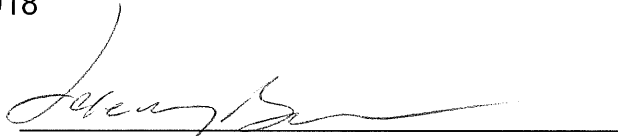


49 C.F.R. § 1105.12 – Newspaper Notice

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>
Waco	Waco Tribune-Herald	December 12, 2017

Dated this 20th day of March, 2018



Jeremy M. Berman

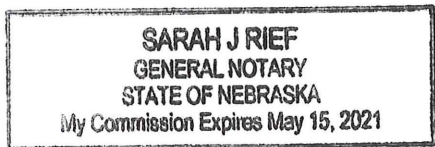
VERIFICATION

State of Nebraska)
) ss:
County of Douglas)

I, Olin H. Dirks, Lead – Commercial and 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 20th day of March, 2018.





SUBSCRIBED AND SWORN TO
before me this 20th day of
March, 2018.



Notary Public