

208848

BEFORE THE
SURFACE TRANSPORTATION BOARD

DID # 0102237002



TRANSPORTATION AGENCY FOR
MONTEREY COUNTY,
Applicant

Docket No. FD 34405

Notice by Transportation Agency for
Monterey County
Exemption to Acquire Seaside Industrial Lead
13.1 miles of Union Pacific
Railroad Line in Monterey County,
California

FILED

AUG 05 2003

FILED

AUG 05 2003

SURFACE
TRANSPORTATION BOARD

NOTICE OF EXEMPT ACQUISITION

The Transportation Agency for Monterey County provides the following as its Verified
Notice of Exempt Acquisition and in response to 49 C.F.R. §1150.33:

A. Full name and address of the applicants:

TRANSPORTATION AGENCY FOR MONTEREY COUNTY
Attn: Executive Director
55-B Plaza Circle
Salinas, CA 93901
Telephone: 831-775-0903
Facsimile: 831-775-0897

FILED

AUG 05 2003

SURFACE
TRANSPORTATION BOARD

FEE RECEIVED

AUG 05 2003

SURFACE
TRANSPORTATION BOARD

1

1052279.1

Office of Proceedings

SEP 05 2003

Part of
Public Record

C:\Documents and Settings\mnc\My Documents\1052279_1.doc

B. The name, address and telephone number of representative of Applicant to whom correspondence should be sent:

David J. Miller
Hanson, Bridgett, Marcus, Vlahos & Rudy, LLP
333 Market Street, Suite 2300
San Francisco, CA 94105-2173

C. Statement that an agreement has been reached or details of when the agreement shall be reached:

A Purchase and Sale Agreement the Union Pacific Railroad Company and the Transportation Agency for Monterey County ("TAMC") is expected to be executed by September 10, 2003.

D. The operator of the property:

Union Pacific Railroad Company is the carrier on this line, which is currently in "discontinued" status.

E. Brief summary of the proposed transaction:

The Petitioner, a non-carrier, is a public agency created pursuant to California Government Code Section 67930 et seq. to acquire and operate passenger service over the line. TAMC has its administrative offices and its mailing address at Transportation Agency for Monterey County, 55-B Plaza Circle, Salinas, CA 93901.

The transaction involves the acquisition the Seaside Industrial Lead, which consists of real estate and trackage extending from Castroville (MP 110.2) to Seaside (MP 123.3). These segments are shown on the map attached as Exhibit A.

This transaction involves the acquisition by a public agency of real estate and rail

facilities owned by a private railroad corporation. The purpose of the acquisition is to place this line in the ownership of an agency that desires to institute intrastate passenger service on the line. TAMC will not provide freight rail service.

The freight operator for the line is Union Pacific Railroad Company. Union Pacific will retain trackage rights over the line. Union Pacific anticipates filing a Petition for Abandonment of this line shortly (See Combined Historical and Environmental Report, filed July 25, 2003, in proceeding AB-33 (Sub No. 157X)).

1. Name and address of railroad transferring the subject property:
Union Pacific Railroad Company
1416 Dodge Street
Omaha, Nebraska 68179

2. Proposed time schedule for the consummation of the transaction: TAMC and Union Pacific have concluded an agreement, which is expected to be signed on September 10, 2003. The transaction is expected to close on or about September 12, 2003.

3. Mileposts of the subject property:
The line is between MP 110.2 (Castroville, CA) and MP 123.3 (Seaside, CA).

4. Total route miles being acquired: approximately 13.1 miles.

F. A map indicating the area to be served, including origins, termini, stations, cities, counties and state is attached as Exhibit A.

G. A certificate that applicant's projected revenues do not exceed those that would qualify it as a Class III carrier is attached as Exhibit B.

The required verification is attached as Exhibit C.

Respectfully submitted,



Michael N. Conneran
Hanson, Bridgett, Marcus, Vlahos & Rudy LLP
Attorneys for Applicant

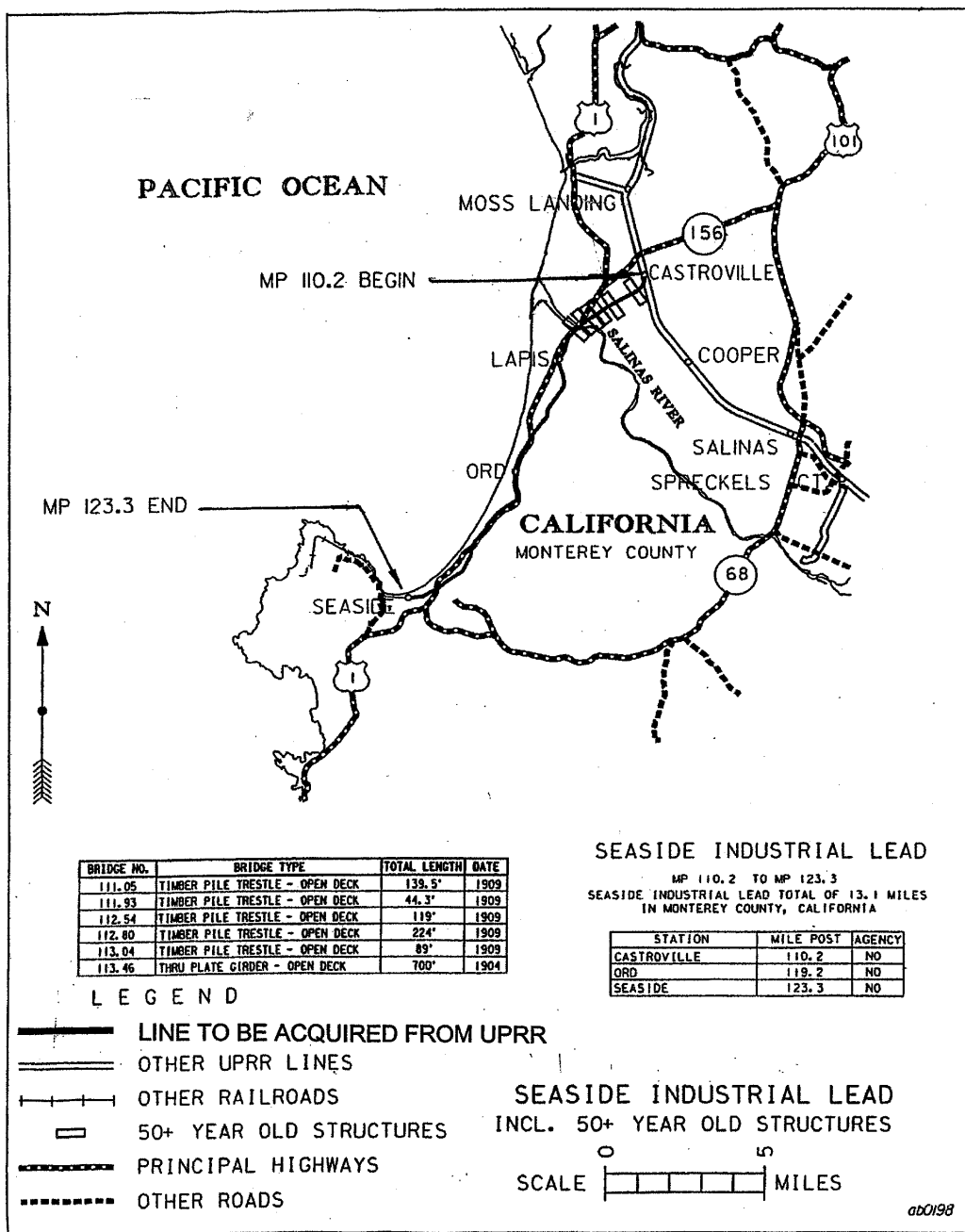


Exhibit A

EXHIBIT B

I, William Reichmuth, P.E., Executive Director of the Transportation Agency for Monterey County ("Applicant"), certify that the Applicant's projected annual carrier operating revenues will not exceed those of a Class III carrier (annual carrier operating revenues of \$10 million or less, as adjusted by the railroad revenue deflator formula described in Note A to Title 49, Code of Federal Regulations, part 1201).

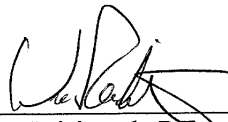
A handwritten signature in black ink, appearing to read 'W. Reichmuth', is written over a horizontal line.

Wm. Reichmuth, P.E.
Executive Director
TRANSPORTATION AGENCY FOR
MONTEREY COUNTY

EXHIBIT C

VERIFICATION

William Reichmuth, P.E., being duly sworn, deposes and says that he is the Executive Director of the Transportation Agency for Monterey County that he has read the foregoing verified Notice of Exemption, knows the contents thereof and that the factual statements contained therein are true.



Wm. Reichmuth, P.E.
Executive Director
TRANSPORTATION AGENCY FOR
MONTEREY COUNTY

Subscribed and sworn to before me
this 3rd day of September 2003.


Notary Public

My commission expires Oct. 21, 2003



(Summary Caption)

SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

Finance Docket No. 34405
Transportation Agency for Monterey County
Exemption to Acquire Seaside Industrial Lead
Union Pacific Railroad Company

The Transportation Agency for Monterey County has filed a notice of exemption to acquire the Seaside Industrial Lead owned by Union Pacific Railroad Company located between milepost 110.2 (Castroville, CA) and milepost 123.3 (Seaside, CA). Comments must be filed with the Surface Transportation Board and served upon David J. Miller, Attorney for the Transportation Agency for Monterey County, c/o Hanson, Bridgett, Marcus, Vlahos and Rudy LLP, 333 Market Street, Suite 2300, San Francisco, CA telephone (415) 777-3200.

The notice is filed under § 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

CERTIFICATE OF SERVICE

I, Lynn Duncan, certify that I have this day caused copies to be served of the foregoing document upon all parties of record in this proceeding, by first class mail, postage prepaid:

California State Historical
Preservation Office
P. O. Box 942896
Sacramento, CA 94296-0001

California Public
Utilities Commission
Rail Operating & Safety Branch
505 Van Ness Avenue
San Francisco, CA 94102

The Hon. Gray Davis
State of California
State Capitol
Sacramento, CA 94514

Union Pacific Railroad Company
1416 Dodge Street
Omaha, Nebraska 68179

Dated: 9/4/2003

Lynn Duncan