



BUILDING AMERICA®

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

301091
ENTERED
Office of Proceedings
September 18, 2020
Part of
Public Record

**RE: Union Pacific Railroad Company--Abandonment Exemption--In Riverside County, CA,
STB Docket No. AB-33 (Sub-No. 345X)**

Dear Ms. Brown:

I am hereby e-filing the Verified Notice of Exemption of Union Pacific in the above-referenced docket. The filing fee of \$4,600.00 was paid using Pay.gov.

Sincerely,

/s/ Jeremy Berman

Jeremy Berman

FEE RECEIVED
September 18, 2020
SURFACE
TRANSPORTATION BOARD

FILED
September 18, 2020
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 345X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN RIVERSIDE COUNTY, CA**

Verified Notice of Exemption

UNION PACIFIC RAILROAD COMPANY

Jeremy M. Berman
General Attorney
1400 Douglas Street STOP 1580
Omaha, NE 68179
(402) 544-4735
jmberman@up.com

Dated: September 18, 2020

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 345X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN RIVERSIDE COUNTY, CA**

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 abandonment of service on a portion of the Crestmore Industrial Lead in Crestmore, CA from Milepost 7.06 to Milepost 7.6, a distance of 0.54 miles in Riverside County, California (the "Line").

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

The abandonment will not be consummated until at least 50 days after filing this 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 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 abandon the portion of the Crestmore Industrial Lead in Crestmore, CA from Milepost 7.06 to Milepost 7.6, a distance of 0.54 miles in Riverside County, California.

(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 abandonment and 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 traverses U.S. Postal Service Zip Code 92509.

(e)(4) Rural and Community Impact.

The salvage process would begin with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right-of-way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) would be removed. Next the wooden ties would be raised from among the ballast with a tool designed for minimum disruption of the ground material. The ties would then be

separated into three groups as follows: (1) good quality ties that would be re-used in rail service, (2) landscape-quality ties that would be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into truck trailers or containers and shipped by UP's contractor to an EPA approved disposal site or to a cogeneration plant.

Culverts and right-of-way grading would remain intact so as not to alter the prevailing water flows along the Line. Ballast would typically be left in place, but might be removed if it is of exceptional quality - thus suitable for resale - or to make the right of way more suitable for a planned future use. Finally, all road crossings would be removed and remediated, then resurfaced with gravel, asphalt or concrete, as required by governing authority. Any railroad signals would also be dismantled and removed.

UP's salvage work for abandonments is always performed by experienced rail material salvagers. Each salvage contract includes detailed information on any environmental or historical conditions imposed by the Board. Completed work is independently inspected by a UP maintenance official to ensure compliance with UP standards of quality and all contractual obligations, including Board imposed conditions, if applicable.

The Line proposed for abandonment consists primarily of fee property. Based upon 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 to those requesting it.

After the proposed abandonment, UP will continue to serve the area. The area is also well served by major highways and by numerous local roads.

No local traffic has moved to or from the Line in the past two years and there is no overhead traffic. No complaint regarding cessation of service has been filed, is pending, or has been ruled upon in favor of a complainant in at least two years.

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

A copy of the cover letter which accompanied UP's Combined Environmental and Historic Report ("CEHR"), containing the information required by 49 C.F.R. §§ 1105.7(e) and 1105.8, and delivered in accordance with 49 C.F.R. 1105.11, is attached as **Exhibit 3**. The CEHR was electronically filed with the Office of Environmental Analysis (OEA), on May 22, 2020.

Dated this 18th day of September, 2020.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

/s/ Jeremy Berman

Jeremy M. Berman
General Attorney
1400 Douglas Street STOP 1580
Omaha, NE 68179
(402) 544-4735
jmb@up.com



DOCKET NO. AB-33 (Sub-No. 345X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN RIVERSIDE COUNTY, CA

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) – Notice

The undersigned certifies that on July 31, 2020 (at least 10 days before a Notice of Exemption is filed), written notice was given by Union Pacific stating Union Pacific's intent to file this Notice of Exemption. Said written notice (a copy of which is attached hereto as **Attachment 1**) was served on the following:

California Public Utilities Commission
Los Angeles Office
320 West 4th Street, Ste. 500
Los Angeles, CA 90013

National Park Service
1849 C Street NW
Washington, DC 20240

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

Headquarters – Military Surface Deployment &
Distribution Command
ATTN: Transportation Engineering Agency
(SDTE-SA)
Railroads for National Defense Program
1 Soldier Way
Scott AFB, IL 62225

49 C.F.R. § 1105.11 – Transmittal Letter for Applicant’s Report

The undersigned certifies that on May 22, 2020 (at least 20 days before a Notice of Exemption is filed), a Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7 and 1105.8 was served in Docket No. AB-33 (Sub-No. 345X on the following:

- (1) State Clearinghouse (or alternate)
- (2) State Environmental Protection Agency
- (3) Head of each County
- (4) U.S. Environmental Protection Agency, Regional Office
- (5) U.S. Fish and Wildlife Service
- (6) U.S. Army Corps of Engineers
- (7) National Park Service
- (8) U.S. Natural Resources Conservation Service
- (9) The National Geodetic Survey
- (10) Other Agencies Consulted (As Listed)
- (11) State Historic Preservation Office

(This Certificate of Service attached to Combined Environmental Historic Reports lists the names and addresses of the federal, state and local agencies.)

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>
Riverside	The Press-Enterprise	August 8, 2020

Dated this 18th day of September, 2020

/s/ Jeremy Berman

Jeremy M. Berman



BUILDING AMERICA®

Attachment 1

July 31, 2020

California Public Utilities Commission
Los Angeles Office
320 West 4th Street, Ste. 500
Los Angeles, CA 90013

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

National Park Service
1849 C Street NW
Washington, DC 20240

Headquarters – Military Surface Deployment &
Distribution Command
ATTN: Transportation Engineering Agency
(SDTE-SA)
Railroads for National Defense Program
1 Soldier Way
Scott AFB, IL 62225

**RE: Union Pacific Railroad Company--Abandonment Exemption--In Riverside County, CA,
STB Docket No. AB-33 (Sub-No. 345X)**

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 August 10, 2020, a Notice of Exemption seeking authority to abandon a portion line of railroad known as the Crestmore Industrial Lead in Crestmore, California, from Milepost 7.06 to Milepost 7.6, a distance of 0.54 miles in Riverside County, California (the "Line"). The Line traverses U.S. Postal Service Zip Code 92509.

A Notice of Exemption to abandon service on the Line pursuant to 49 C.F.R. §1152.50 will be filed with the STB on or after August 10, 2020.

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,

/s/ Jeremy Berman

Jeremy Berman



THE PRESS-ENTERPRISE

Ad Copy:

Attachment 2

1825 Chicago Ave, Suite 100
Riverside, CA 92507
951-684-1200
951-368-9018 FAX

PROOF OF PUBLICATION (2010, 2015.5 C.C.P)

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

08/08/2020

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: August 08, 2020
At: Riverside, California



Legal Advertising Representative, The Press-Enterprise

UNION PACIFIC RAILROAD
1400 DOUGLAS ST., MAIL STOP 1580
OMAHA, NE 68179

Ad Number: 0011402973-01

P.O. Number:

NOTICE OF INTENT TO ABANDON RAIL SERVICE

UNION PACIFIC RAILROAD COMPANY (UP) GIVES NOTICE THAT ON OR AFTER August 10, 2020, 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 Crestmore Industrial Lead in Crestmore, California, from Milepost 7.06 to Milepost 7.6, a distance of 0.54 miles in Riverside County, California. The Line traverses U.S. Postal Service Zip Code 92509. The proceeding has been docketed as No. AB-33 (Sub-No. 345X).

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





May 22, 2020

VIA US Mail

TO: Attached Service List

**RE: Union Pacific Railroad Company--Abandonment Exemption--In Riverside County, CA,
STB Docket No. AB-33 (Sub-No. 345X)**

To whom it may concern:

On or after June 11, 2020, Union Pacific Railroad Company ("UP") expects to be filing with the Surface Transportation Board ("STB" or "Board") a Notice of Exemption seeking authority to abandon a portion of the Crestmore Industrial Lead in Crestmore, California, from Milepost 7.06 to Milepost 7.6, a distance of 0.54 miles in Riverside County, California (the "Line"). Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

Union Pacific is providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC, Telephone (202) 245-0291 and refer to the above Docket No. AB-33 (Sub-No. 343X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to our representative) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Jeremy M. Berman who may be contacted by telephone at 402-544-4735 or by mail at 1400 Douglas St., Stop 1580, Omaha, NE 68179.

Sincerely,

s/ Jeremy M. Berman

Jeremy M. Berman

Attachment

Service List:

State Clearinghouse (or Alternate):

State Clearinghouse
Governor's Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

State Environmental Protection Agency:

California Environmental Protection Agency
1001 I Street
Sacramento, CA 95814

U.S. Fish and Wildlife Service:

U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008

Environmental Protection Agency (Regional Office):

US EPA Pacific Southwest, Region 9
75 Hawthorne St.
San Francisco, CA 94105

State Historic Preservation Office:

Julianne Polanco, State Historic Preservation Officer
California State Parks
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
Los Angeles District
915 Wilshire Blvd., Suite 1101
Los Angeles, CA 90017

National Park Service (Regional Office):

National Park Service
Pacific West Region
333 Bush Street, Suite 500
San Francisco, CA 94104-2828

Head of Riverside County, California:

V. Manuel Perez, Chairman
Riverside County Board of Supervisors
County Administrative Center
4080 Lemon Street, 5th Floor
Riverside, California 92501

U.S. Natural Resources Conservation Service:

Carlos Suarez
State Conservationist
Richard E. Lyng USDA Service Center
430 G St., #4164
Davis, CA 95616-4164

National Geodetic Survey:

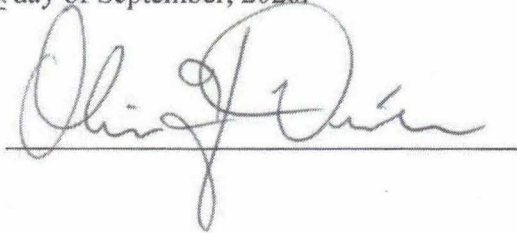
Geodetic Services Division
SSMCC-3 #9340
NOAA N/NGS12
Room 9452
1315 E-W Highway
Silver Spring, Maryland 20910-3282

VERIFICATION

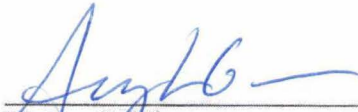
State of Nebraska)
) ss:
County of Douglas)

I, Olin H. Dirks, Manager – 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 10th day of September, 2020.



SUBSCRIBED AND SWORN TO
before me this 10th day of
September, 2020.



Notary Public

