

October 9, 2012

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ENTERED

Office of Proceedings

October 9, 2012

Part of

Public Record

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

RE: Brownsville and Matamoras Bridge Company (B&M Bridge) and Union Pacific Railroad (UP) proposed joint notice of exemption for B&M Bridge to abandon its 0.8 mile of rail line north of the international border at Brownsville, TX, and for UP to discontinue its operation of the B&M Bridge line and to discontinue service on and to abandon its Brownsville Subdivision from milepost 7.4 near Olmito Junction to milepost 0.22 at Brownsville, TX; B&M Bridge Docket AB-1091X and UP Docket AB-33 (Sub-No. 306X)

WITHDRAWAL OF

**PETITION UNDER 49 U.S.C. § 10502 TO EXEMPT THE PROPOSED
ABANDONMENT, DISCONTINUANCE OF OPERATIONS AND
DISCONTINUANCE OF SERVICE FROM THE OFFER OF FINANCIAL
ASSISTANCE PROVISIONS OF 49 U.S.C. § 10904 FOR REASONS THAT
THE TRANSACTION IS OF LIMITED SCOPE AND THE RIGHT-OF-WAY
IS NEEDED FOR A VALID PUBLIC PURPOSE AND THERE IS NO
OVERRIDING PUBLIC NEED FOR CONTINUED RAIL SERVICE ON
THE LINE FOR WHICH ABANDONMENT AUTHORITY IS SOUGHT**

Dear Ms. Brown:

On September 25, 2012 pursuant to 49 U.S.C. §10502, Union Pacific Railroad Company ("UP") submitted a Petition (the "Petition") to exempt the proposed abandonment, discontinuance of operations and discontinuance of service from the offer of financial assistance provisions of 49 U.S.C. § 10904 for reasons that the transaction is of limited scope and the right-of-way is needed for a valid public purpose and there is no overriding public need for continued rail service on the Line for which Abandonment Authority is sought. The Petition was filed in advance of the filing of the Proposed Joint Notice of Exemption in the above-referenced matter. The Board's Office of Proceedings after reviewing the matter has determined that the Petition should be included with a Joint Petition for Exemption for the abandonment and discontinuance authority sought by BTM Bridge and UP. UP concurs with the determination of the Board's Office of Proceedings and hereby withdraws the Petition with leave to include it with a Joint Petition for Exemption to be filed in the future.

Sincerely,

A handwritten signature in black ink, reading "Mack H. Shumate, Jr." in a cursive script.

Mack H. Shumate, Jr.
Senior General Attorney

MHS:dro

Attachment

cc: Service List

2012_10_09 Brownsville – Brown – Ltr – Withdrawal - Petition to Exempt

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Withdrawal of Petition in Docket No. AB-33 (Sub-No. 306X), the Brownsville Subdivision in Cameron County, Texas was served by First Class U.S. Mail, postage prepaid, on the 9th day of October, 2012, on the following parties:

State Clearinghouse (or alternate)

Denise S. Francis
Director, State Grants Team
Governor's Office of Budget and Planning
P.O. Box 12428
Austin, Texas 78711

Environmental Protection Agency (Regional Office):

U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202

Texas State Historical Association

1155 Union Circle #311580
Denton, TX 76203-5017

Texas Historical Commission

Mailing Address:

P.O. Box 12276
Austin, TX 78711-2276

Physical Address:

1511 Colorado
Austin, TX 78701

U.S. Fish and Wildlife

500 East McCarty Lane
San Marcos, Texas 78666-1024

Cameron County Administrator

Pete Sepulveda, Jr.
1100 E. Monroe St.-Dancy Building
Second Floor
Brownsville, TX 78520

U.S. Army Corps of Engineers

Fort Worth District

P.O. Box 17300
Fort Worth, TX 76102

U.S. Army Corps of Engineers

Regulatory Field Office

5151 Flynn Parkway, Suite 306
Corpus Christi, TX 78411-4318

National Park Service

(Regional Office)

Planning and Compliance Office
Texas Division of Economic Development
1011 San Jacinto
Austin, TX 78701

US National Resources Conservation Services

2315 W. Hwy 33, Rm 103
San Benito, TX 78586-4666

Communications and Outreach Branch, NOAA, N/NGS12

National Geodetic Survey,
SSMC3 #9202
1315 East-West Highway
Silver Spring, MD 20910-3282

Dated this 9th day of October, 2012.



Mack H. Shumate, Jr.