



KAPLAN KIRSCH ROCKWELL

April 4, 2013

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

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Office of Proceedings
April 4, 2013
Part of
Public Record

Re: *Santa Clara Valley Transportation Authority – Abandonment of Residual Common
Carrier Service –In Alameda County, CA (San Jose Industrial Lead)*
STB Docket No. AB-980 (Sub-No. 1X)

*Santa Clara Valley Transportation Authority – Abandonment of Residual Common
Carrier Service –In Alameda County, CA (San Jose Industrial Lead)*
STB Docket No. AB-980 (Sub-No. 2X)

Dear Ms. Brown:

The Santa Clara Valley Transportation Authority respectfully submits the attached Notice of Consummation in the above-captioned proceedings.

Sincerely,

Charles A. Spitulnik

Enclosure

Before the Surface Transportation Board

Docket No. AB-980 (Sub-No. 1X)

**Santa Clara Valley Transportation Authority –
Abandonment of Common Carrier Service –
In Alameda and Santa Clara Counties, Cal.**

Docket No. AB-980 (Sub-No. 2X)

**Santa Clara Valley Transportation Authority –
Abandonment of Common Carrier Service –
In Alameda County, Cal.**

**NOTICE OF CONSUMMATION OF
THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY**

The Santa Clara Valley Transportation Authority (“SCVTA”) hereby submits its Notice of Consummation and exercise of the abandonment authority granted in the above-listed proceedings. SCVTA’s consummation is effective as of the date of this Notice.

In conjunction with the above-captioned proceedings to permit SCVTA to abandon its residual common carrier obligation on the Southern and Northern Segments of the San Jose Industrial Lead, as defined below, the Union Pacific Railway Company (“UP”) sought authority to abandon its freight easement and primary common carrier obligation on the same segments in dockets AB-33 (Sub-No. 303X) and AB-33 (Sub-No. 309X). *See Union Pacific Railroad Company – Abandonment of Freight Easement – In Alameda and Santa Clara Counties, Cal.*, STB Docket No. AB 33 (Sub-No. 303X) (Service Date March 29, 2013); *Union Pacific Railroad*

Company – Abandonment of Freight Easement – In Alameda County, Cal., STB Docket No. AB 33 (Sub-No. 309X) (Service Date Feb. 26, 2013). UP consummated its abandonments on April 2, 2013, as described in greater detail below. SCVTA's exercise of its abandonment authority accordingly eliminates any and all remaining common carrier obligations on the Southern and Northern Segments.

Southern Segment abandonment. On July 23, 2012, this Board issued a decision granting SCVTA's Petition for Exemption to abandon its residual common carrier obligation over an 8.95-mile portion of the San Jose Industrial Lead between milepost 7.35 and milepost 16.30 in Alameda and Santa Clara Counties, California (the "Southern Segment"). *Santa Clara Valley Transportation Authority – Abandonment of Common Carrier Services – In Alameda and Santa Clara Counties, Cal.*, STB Docket No. AB 980 (Sub-No. 1X) (Service Date July 23, 2012) (the "*Southern Segment Decision*"). The Board imposed several environmental and historic conditions in granting the requested abandonment authority. On March 29, 2013, the Board issued a decision removing the conditions requiring SCVTA to consult with the California State Parks, Office of Historic Preservation, and refrain from performing salvage or consummating the abandonment until the Section 106 process was completed. *Santa Clara Valley Transportation Authority – Abandonment of Common Carrier Services – In Alameda and Santa Clara Counties, Cal.*, STB Docket No. AB 980 (Sub-No. 1X) (Service Date March 29, 2013).

The *Southern Segment Decision* also directed SCVTA to consult with the National Geodetic Survey ("NGS") at least 90 days prior to beginning any salvage activities that would disturb or destroy any geodetic station markers. Consummation of the abandonment will not impact any existing NGS markers, and SCVTA will consult with NGS prior to any salvage

performed in connection with future development activities in the right-of-way that may affect NGS markers.

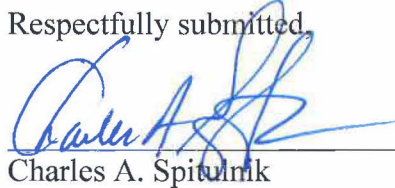
Northern Segment abandonment. On February 26, 2013, the Board issued a decision granting SCVTA's Petition for Exemption to abandon its residual common carrier obligation over a 1.97-mile portion of the San Jose Industrial Lead contiguous to the segment addressed in AB-980 (Sub-No. 1X), between milepost 5.38 and milepost 7.35, near the Warm Springs freight rail station in the City of Fremont, in Alameda County, California (the "Northern Segment"). *Santa Clara Valley Transportation Authority – Abandonment of Common Carrier Service – In Alameda County, Cal.*, STB Docket No. 980 (Sub-No. 2X) (Service Date Feb. 26, 2013). The Board did not impose any environmental or historic conditions on its abandonment authorization for the Northern Segment.

Related Union Pacific Railway Company proceedings. On April 2, 2013, UP submitted Notices of Consummation exercising its authority to abandon its freight easement over the Southern and Northern Segments effective as of April 2, 2013. *See Union Pacific Railroad Company – Abandonment of Freight Easement – In Alameda and Santa Clara Counties, Cal.*, STB Docket No. AB 33 (Sub-No. 303X) (Filed April 2, 2013); *Union Pacific Railroad Company – Abandonment of Freight Easement – In Alameda County, Cal.*, STB Docket No. AB 33 (Sub-No. 309X) (Filed April 2, 2013).

WHEREFORE, because the Board has removed any conditions to the abandonment, or SCVTA has satisfied any conditions imposed on it pursuant to the requirements of 49 C.F.R. §1152.29(e)(2), SCVTA hereby notifies the Board that it is consummating the abandonment authority granted in these proceedings with respect to both the Southern Segment and the Northern Segment effective as of the date of this Notice.

Dated: April 4, 2013

Respectfully submitted,



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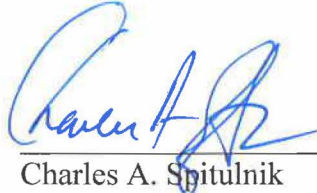
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Counsel for Santa Clara Valley
Transportation Authority

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused to be served a copy of the foregoing Notice of Consummation upon all parties of record in this proceeding and on the California Public Utilities Commission by first class mail with postage prepaid and properly addressed.

Dated this 4th day of April, 2013.



Charles A. Spitulnik