



KAPLAN KIRSCH ROCKWELL

May 15, 2007

Via EFiling

Honorable Vernon A. Williams
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

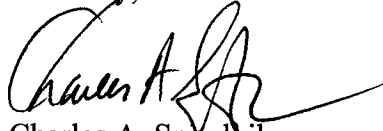
Re: *Savage, Bingham & Garfield Railroad Company – Acquisition and Operation
Exemption – Union Pacific Railroad Company*, Finance Docket No. 35002

*Utah Transit Authority – Acquisition Exemption – Union Pacific Railroad
Company in Salt Lake County, Utah*, Finance Docket No. 35008

Dear Sir:

I am enclosing the Errata to Supplemental Submission of Utah Transit Authority in Support of Motion to Dismiss the Notice of Exemption in FD No. 35008 in the above referenced proceedings.

Sincerely,



Charles A. Spitulnik

Enclosure

133652

**Before the
SURFACE TRANSPORTATION BOARD**

**Finance Docket No. 35002
SAVAGE, BINGHAM & GARFIELD RAILROAD COMPANY --
ACQUISITION AND OPERATION EXEMPTION --
UNION PACIFIC RAILROAD COMPANY**

**Finance Docket No. 35008
UTAH TRANSIT AUTHORITY --
ACQUISITION EXEMPTION --
UNION PACIFIC RAILROAD COMPANY
IN SALT LAKE COUNTY, UTAH**

**ERRATA TO
SUPPLEMENTAL SUBMISSION OF UTAH TRANSIT AUTHORITY
IN SUPPORT OF MOTION TO DISMISS THE NOTICE OF EXEMPTION IN
FD NO. 35008**

Dated: May 15, 2007

Communications with respect to this document
should be addressed to:

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**Before the
SURFACE TRANSPORTATION BOARD**

**Finance Docket No. 35002
SAVAGE, BINGHAM & GARFIELD RAILROAD COMPANY --
ACQUISITION AND OPERATION EXEMPTION --
UNION PACIFIC RAILROAD COMPANY**

**Finance Docket No. 35008
UTAH TRANSIT AUTHORITY --
ACQUISITION EXEMPTION --
UNION PACIFIC RAILROAD COMPANY
IN SALT LAKE COUNTY, UTAH**

**ERRATA TO
SUPPLEMENTAL SUBMISSION OF UTAH TRANSIT AUTHORITY
IN SUPPORT OF MOTION TO DISMISS THE NOTICE OF EXEMPTION IN
FD NO. 35008**

The Utah Transit Authority ("UTA"), by undersigned counsel, hereby submits this Errata to the Supplemental Submission in Support of the Motion to Dismiss in FD No. 35008 that it filed in this proceeding on May 11, 2007.

The Dispatching and Track Protocols for the Bingham, Garfield and Bacchus Industrial Leads that was attached to the May 11 Supplemental Submission as **Exhibit B** included three errors. The three errors in that document are:

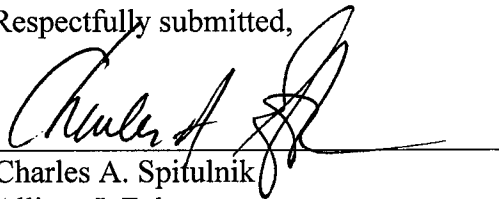
Dispatching and Track Protocols submitted on May 11 stated:	Correct text:
On page 1, in the list of parties following the words "As Agreed:", the fourth party is "Salt Lake City Southern Railroad Company"	Should be: "Utah Railway Company"
On page 1, in Section 1, lines 11 – 12, the text in the parentheses reads: "(through its local switching agent, the Salt Lake City Southern Railroad Company, who for the purpose of	Should be: "(through its local switching agent, the Utah Railway Company, who for the purpose of these protocols, is included in references to BNSF)"

these protocols, is included in references to BNSF)”	
On page 3, the fourth of four signature blocks of for the Salt Lake City Southern Railroad Company	Should be: Utah Railway Company

A copy of the corrected **Exhibit B**, Dispatching and Track Protocols for the Bingham, Garfield and Bacchus Industrial Leads, is attached hereto. UTA respectfully requests that this Board accept this corrected document in the interests of ensuring that the record of this proceeding is both complete and accurate.

Dated: May 15, 2007

Respectfully submitted,



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Counsel for Utah Transit Authority

CORRECTED EXHIBIT B

CORRECTED

**DISPATCHING AND TRACK PROTOCOLS FOR THE BINGHAM, GARFIELD AND
BACCHUS INDUSTRIAL LEADS**

[Attached hereto]

DISPATCHING AND TRACK ACCESS PROTOCOLS FOR THE BINGHAM, GARFIELD AND BACCHUS INDUSTRIAL LEADS

June 1, 2007

As Agreed: Utah Transit Authority
Savage Bingham & Garfield Railroad Company
BNSF Railway Company
Utah Railway Company

1. Scope: Utah Transit Authority ("UTA") purchased the Bingham Industrial Lead from Union Pacific Railroad Company ("UP"). UTA intends to construct a second track, a signaling system and additional improvements necessary to commence passenger operations on the Bingham Industrial Lead. The Bingham Industrial Lead is subject to a freight easement reserved by UP and transferred to the Savage Bingham & Garfield Railroad Company ("Savage"). The Bingham also provides access to the Garfield Industrial Lead and Bacchus Industrial Lead (the three industrial leads are sometimes hereafter collectively referred to as the "Common Trackage"). Savage provides freight service on the Garfield and Bacchus pursuant to a separate freight easement with UP. The BNSF Railway Company ("BNSF") provides freight service on the Garfield Industrial Lead (through its local switching agent, the Utah Railway Company who, for purpose of these protocols, is included in references to BNSF) pursuant to a UP/BNSF settlement agreement and related documents. Savage and BNSF are each sometimes called a "Freight Operator" in these protocols, and together are called the "Freight Operators". These protocols describe how the parties will coordinate freight operations on the Common Trackage prior to UTA constructing passenger improvements on the Bingham Industrial Lead. These protocols also describe how, upon commencement of UTA's construction, the parties will coordinate the respective freight operations within a designated nighttime window.
2. Purposes: These protocols are intended to: (a) ensure that freight operations and passenger operations are temporally separated in compliance with Federal Railroad Administration and Federal Transit Administration policies, and in a manner that will allow the safe coexistence of passenger and freight operations; (b) ensure that the respective freight operations of Savage and BNSF are performed safely on the Common Trackage; and (c) ensure that Savage and BNSF trains operating on the Common Trackage are given equal dispatch without discrimination in promptness, quality of service or efficiency, and in a manner that allows both railroads to comply with their common carrier obligations.
3. Effective Date: These protocols shall be effective as of [June 1, 2007].
4. Service Prior to Construction: Prior to UTA's initiation of construction on the Bingham Industrial Lead, Savage and BNSF will share the Common Trackage on a time-separated basis. UTA shall authorize and monitor the entry and exit of each Freight Operator's trains to and from the Common Trackage. Each Freight Operator shall be responsible for requesting daily operating clearance from the TRAX Control Center. UTA shall be

responsible for confirming that one Freight Operator's trains have cleared the Common Trackage prior to granting the other Freight Operator clearance to enter. Once permission to enter has been obtained from UTA, each Freight Operator shall be responsible for the movement of its trains along the Common Trackage. The parties shall hold regularly scheduled meetings to coordinate the respective freight operations based on expected train volumes and run times. Each Freight Operator shall continue to adhere to the industry lead rules promulgated by UP (effective October 29, 2000) and in place as of the effective date of these protocols.

5. Freight Service after Construction Commences: Thirty (30) days following receipt of written notice that UTA intends to commence construction of the passenger improvements (the "Construction Notice"), the Freight Operators shall move their respective operations into a nighttime freight window (the "Freight Window"). During construction and prior to the commencement of passenger service, UTA shall work in good faith to maximize the Freight Window in a manner consistent with the performance of construction. Thirty (30) days following receipt of a written notice that UTA intends to commence passenger operation (the "Passenger Operation Notice"), the Freight Operators shall restrict the Freight Window to the hours of 12:00 midnight and 5:00 a.m., Monday through Friday, inclusive. Upon delivery of the Construction Notice, and continuing thereafter for so long as both Freight Operators conduct freight operations on the Common Trackage, UTA shall assume dispatch responsibilities for each Freight Operator's trains. It is contemplated that Savage and BNSF will need to conduct concurrent operations on the Common Trackage in order to provide their respective freight service within the Freight Window. In addition to daily operating clearances, each Freight Operator shall be responsible for obtaining track warrants from UTA. UTA shall issue track warrants adopting the procedures and requirements set forth in Chapter 14 of UP's General Code of Operating Rules. A copy of the track warrant procedures and requirements is attached as Exhibit A to these protocols. Track warrants shall be administered and confirmed over the radio or cellular telephones, which transmissions shall be taped and recorded at UTA's TRAX Control Center. UTA shall issue track warrants in a reasonable, non-discriminatory manner. Each Freight Operator shall comply with all requirements, restrictions and limitations contained in a track warrant. The parties shall hold regularly scheduled meetings to share information regarding freight service in a manner that allows UTA to effectively and efficiently administer train warrants. All parties shall work in a reasonable and cooperative manner to facilitate concurrent operations during the freight window.
6. Reporting Requirements: Each Freight Operator shall, immediately upon discovery, report to the TRAX Control Center any hazards, equipment failures, derailments or other problems on or affecting the Common Trackage. The TRAX Control Center shall convey the reported information to the other Freight Operator.
7. TRAX Control Center: All communications required or contemplated with the TRAX Control Center under these protocols shall be directed as follows:

Telephone:

(801) ____ - ____

In person address:

Utah Transit Authority
TRAX Control Center
613 West 6960 South
Midvale, Utah 84047

Each Freight Operator shall maintain a current list of supervisory personnel on file with the TRAX Control Center, which list will designate contact information for day-to-day communications with train personnel and also provide emergency contact information.

8. Disagreements: The designated contact persons identified in these protocols are expected to raise questions, disagreements, concerns or disputes about compliance with these protocols promptly as and when any such matters arise and to use their best efforts to resolve them.
9. Modifications: As the ultimate objectives of these protocols are the safe coordination of freight passenger service, the equal, flexible and efficient treatment of freight trains on the Common Trackage, and the protection of each Freight Operator's ability to comply with its common carrier obligations, these protocols may be modified at any time by mutual agreement, consistent with those objectives. Modifications will be made through amended protocols that replace and supersede this document.

AGREED THIS __ DAY OF _____ 2007

Utah Transit Authority

BNSF Railway Company

By: _____

By: _____

Savage Bingham & Garfield Railroad
Company

Utah Railway Company

By: _____

By: _____

Certificate of Service

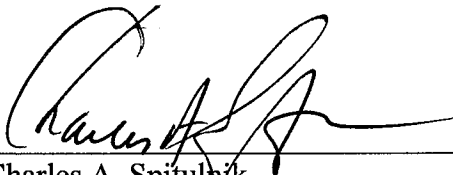
I hereby certify that I have this day caused a copy of the foregoing Errata to Supplemental Submission of Utah Transit Authority in Support of Motion to Dismiss the Notice of Exemption in FD No. 35008 to be served by first class mail, properly addressed and with postage prepaid, upon the following parties of record to these proceedings:

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Charles A. Spitulnik

Dated: May 15, 2007