



FR-4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 33 (Sub-No. 308X)]

Union Pacific Railroad Company—Discontinuance of Service Exemption—in Cochise County, Ariz.

Union Pacific Railroad Company (UP) has filed a verified notice of exemption under 49 CFR 1152 subpart F—Exempt Abandonments and Discontinuances of Service to discontinue service over a 48.03-mile portion of a rail line known as the Curtiss Branch, from milepost 1040.15 at Curtiss, to milepost 1084.0 at Naco, in Cochise County, Ariz. (the Line).¹ The Line traverses United States Postal Service Zip Codes 85602, 85630, 85616, 85638, 85635, 85615, 85603, and 85620.

The verified notice states that the Line's previous owner sought and received abandonment authority for the Line² and salvaged the track structure on the Line, but did not consummate the abandonment and instead sold the Line to UP.³ UP has certified that: (1) no local traffic has moved over the Line for at least two years; (2) no overhead

¹ UP states there is a milepost overlap equation (milepost 1050.57 = milepost 1046.39). The Line segment from Curtiss at milepost 1040.15 to Fairbank at milepost 1050.57 is 10.42 miles, and the Line segment from Fairbank at milepost 1046.39 to Naco at milepost 1084.0 is 37.61 miles, a total distance of 48.03 miles.

² San Pedro R.R. Operating Co.—Aban. Exemption—in Cochise Cnty., Ariz., AB 1081X (STB served Feb. 3, 2006).

³ Union Pac. R.R.—Acquis. & Operation Exemption—San Pedro R.R. Operating Co., FD 35666 (STB served Sept. 7, 2012).

traffic has moved over the Line for at least two years; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line is pending either with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance shall be protected under Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) to subsidize continued rail service has been received, this exemption will become effective on June 3, 2015, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA to subsidize continued rail service under 49 CFR 1152.27(c)(2),⁴ must be filed by May 14,

⁴ Each OFA must be accompanied by the filing fee, which is currently set at \$1,600. See 49 CFR 1002.2(f)(25).

2015.⁵ Petitions to reopen must be filed by May 26, 2015, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to UP's representative: Mack H. Shumate, Jr., Senior General Attorney, Union Pacific Railroad, 101 North Wacker Drive, Room 1920, Chicago, IL 60606.

If the verified notice contains false or misleading information, the exemption is void ab initio.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: April 29, 2015.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Brendetta S. Jones,

Clearance Clerk.

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⁵ Because this is discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate.