

UNION PACIFIC RAILROAD  
101 North Wacker Drive, Room 1920  
Chicago, Illinois 60606-1718

Mack H. Shumate, Jr.  
Senior General Attorney, Law Department

P 312.777.2055  
F 877.213.4433  
[mackshumate@up.com](mailto:mackshumate@up.com)

April 24, 2013

E-FILE

UPR-R-13-01

The Honorable Cynthia T. Brown  
Chief, Section of Administration  
Surface Transportation Board  
395 E. Street, S.W., Room #100  
Washington, DC 20423-0001

**RE: Proposed Abandonment of the New Meadows Industrial Lead from Milepost 0.22 to Milepost 0.50 at Weiser, a total distance of 0.28 miles in Washington County, Idaho; STB Docket No. AB-33 (Sub-No. 311X)**

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") has received a request from the Friends of the Weiser River Trail ("FWRT") dated April 5, 2013 seeking interim trail use and rail banking under the provisions of 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 regarding that portion of the Union Pacific's right-of-way known as the New Meadows Industrial Lead, as defined above, a distance of 0.28 miles in Washington County, Idaho.

The Union Pacific is willing to negotiate with FWRT concerning the acquisition of the subject property for trail use and supports the FWRT's request for the standard 180-day negotiation period with regard to that portion of the Line from Milepost 0.22 to Milepost 0.50 for a total distance of 0.28 miles. A copy of FWRT's request is attached hereto as **Exhibit A** and is hereby made a part hereof.

Sincerely,



Mack H. Shumate, Jr.  
Senior General Attorney

MHS/ev  
Attachment

cc: Friends of the Weiser River Trail

2013\_04\_24\_STB Ltr to CBrown- Trail Use Request Response.doc





*Friends of the*  
**WEISER RIVER TRAIL**  
*Desert Canyons to Alpine Meadows*

**RECEIVED**

APR 09 2013

LAW DEPARTMENT  
UNION PACIFIC RR CO.

**DIRECTORS**

**Shirley Atteberry**  
*President*  
3494 Rush Creek Road  
Cambridge, Idaho 83610  
208-257-3562

**David Hieber**  
*Vice President*  
2333 Meadows Lane  
Indian Valley, Idaho 83632  
208-256-4501

**Rocky Bogert**  
*Treasurer*  
2105 Warm Springs Ave.  
Boise, Idaho 83712  
208-388-0343

**Pam Haynes**  
*Secretary*  
1235 Rolling Hills Drive  
Meridian, Idaho 83642  
208-887-2068

**Dot Wiggins**  
9201 Grandmason  
Eagle, Idaho 83616  
208-286-7620

**Dan Dickerson**  
105 Wild Rose Circle  
Fruitland, Idaho 83619  
208-452-2360

**Patty Heldt**  
3447 Rush Creek Road  
Cambridge, Idaho 83610  
208-257-3564

**Diane Pulsipher**  
308 W. Liberty Street  
Weiser, Idaho 83672  
208-549-0890

April 5, 2013

The Honorable Cynthia T. Brown,  
Chief, Section of Administration  
Surface Transportation Board  
395 East Street, S.W., Room #100  
Washington, DC 20423-0001

Re: Proposed Abandonment of the New Meadows Industrial Lead from Milepost 0.22 to Milepost 0.50 at Weiser, a total distance of 0.28 miles in Washington County, Idaho; STB Docket No. AB-33(Sub-No. 311X)

Dear Ms. Brown:

This comment is filed on behalf of Friends of Weiser River Trail, Inc. (FWRT), hereinafter referred to as Commenter. As indicated on our website, FWRT is a private, nonprofit (Idaho) corporation formed to convert the old Pacific and Idaho Northern (PIN) Railroad grade from Weiser, Idaho, to Rubicon (near New Meadows, ID) into a trail for public recreation. Starting in Weiser, the 84 mile long trail passes through the towns of Midvale, Cambridge and Council. The entire right-of-way was deeded to Friends of the Weiser River Trail in August 1997 by the Union Pacific Railroad under the federal railbanking statute, codified at 16 U.S.C. 1247(d).

The trail includes many miles of riparian habitat, an additional 1,400 acres of wildlife habitat, and provides access to 16,000 acres of BLM and State of Idaho lands otherwise inaccessible to the public. Wildlife often seen along the trail include deer, elk, heron, bear, water fowl, raptors and wild turkeys. The setting in the lower (southern) part of the canyon is rolling hills and open canyons topped with black lava cliffs, while the upper (northern) portion is forested. FWRT also sponsors or makes the trail available for equestrian events, relays, ultras and other organized recreational activities.

The sole current interconnection between the Weiser River Trail and the interstate rail network is at the town of Weiser, over what Union Pacific now calls the "New Meadows Industrial Lead". That Lead is part of the same regulated rail line the bulk of which is now the Weiser River Trail. In order to avoid claims that the Weiser River Trail has somehow been severed from the interstate rail network, it is vital that the connection between the Weiser River Trail and the remainder of the UP system be maintained. To this end, FWRT urges this Board to authorize railbanking of the segment at issue in this proceeding, namely, MP 0.22 to MP 0.50. FWRT accordingly includes a signed "Statement of Willingness" in the form provided in this Board's regulations below, and respectfully requests that the Board issue a Notice of Interim Trail Use for this line, rather than simply an abandonment notice.



3494 Rush Creek Road • Cambridge, Idaho 83610

**Exhibit A**

In addition, because the portion of line at issue in this proceeding not only would serve as a valuable extension of the existing Weiser River Trail but also is vital to assuring that the existing 84 mile railbanked line is not severed from the interstate rail network, this Board must find, pursuant to 49 USC 10905, that the line in question is "appropriate for public purposes," including specifically to preserve and to extend the existing Weiser River Trail. FWRT accordingly also requests a public use condition in our comments below.

#### **A. Public Use Condition**

Commenter requests that the STB find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment.

1. An order prohibiting Union Pacific Railroad (UPRR) from disposing of the corridor, other than the tracks, ties and signal equipment, except of public use on reasonable terms. The justification for this condition is that this section of the UPRR corridor provides the only connection to an active rail line for a rail banked rail corridor owned and managed by Friends of Weiser River Trail, Inc. and known as the Weiser River Trail. In August 1997 UPRR quitclaimed to FWRT an 84 mile section of line that was then referred to as the New Meadows Branch. The Surface Transportation Board reference file is STB Docket No. AB 433 (Sub-No. 2X). The line proposed for abandonment is located between Milepost 0.50 and Milepost 84.55 and must be preserved by rail banking in order to provide for future restoration of rail service. The UPRR has agreed to negotiate with Commenter. The time period sought is 180 days from the effective date of the abandonment authorization.
2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for trail purposes and future reactivation of rail service. The time schedule sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time to complete negotiations with the railroad.

#### **B. Interim Trail Use**

The railroad right-of-way in this proceeding is suitable for rail banking and interim trail use. In addition to the public use conditions sought above, Commenter also makes the following statement:

#### **STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY**

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C.1247(d) and 49 C.F.R. 1152.29, FRIENDS OF Weiser River Trail, Inc., is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by Union Pacific Railroad.

The property known as the New Meadows Industrial Lead extends from Milepost 0.22 to Milepost 0.50 a distance of 0.28 miles in Washington County, Idaho. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-33 (Sub-No.311X).

A map depicting the right-of-way is attached.

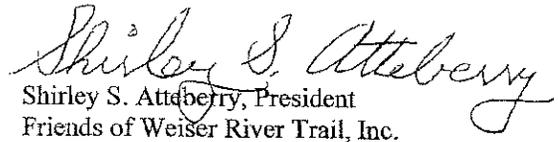
Friends of Weiser River Trail, Inc., acknowledges that the use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon Union Pacific Railroad c/o Mack H. Shumate, 101 North Wacker Drive, Room 1920, Chicago, Illinois 60606-1718, by U.S. Mail, postage prepaid, first class, this 5<sup>th</sup> day of April, 2013 and via FAX number 877-213-4433.

Enclosed please find our check in the amount of \$250, the current filing fee for statements of willingness seeking the issuance of a certificate or notice of interim trail use.

Thank you for your consideration of this petition.

Sincerely yours,

  
Shirley S. Attberry, President  
Friends of Weiser River Trail, Inc.

Encl.: Check  
Map

