

Renee Spooner

Page 5 of 6

3/25/2009

further review for safety features and crossing improvements required as a result of UTA's new uses under the provisions of R930-5-7.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis M. Astill", with a long horizontal flourish extending to the right.

Dennis M. Astill

Attorney for Anderson Geneva

DMA/ss

Enclosures

cc:

David Church, Vineyard Town

Reha Deal, Union Pacific





State of Utah

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

JOHN R. NJORD, P.E.
Executive Director

CARLOS M. BRACERAS, P.E.
Deputy Director

February 25, 2009

Dennis M. Astill
Project Manager and General Counsel
Anderson Geneva Development
99 North Geneva Road
Vineyard, Utah 84057

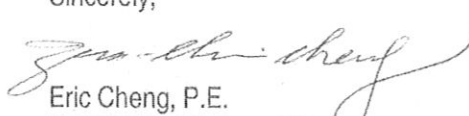
Re: Railroad Crossing at 400 North Vineyard Road

Dear Mr. Astill:

Thank you for meeting with us and providing the information concerning this crossing on February 19, 2009. After reviewing the information, UDOT will conduct another surveillance review on this crossing based upon the crossing being public because of the FRA inventory listing this crossing as public and Resolution and Order passed by the Utah County Board of County Commissioners in 1942. At this point, UDOT considers this crossing as public unless other information is provided that demonstrates that the crossing is private. This review shall be performed in accordance with Utah Administrative Code R930-5-7. Consequently, Union Pacific Railroad, Utah Transit Authority, the Town of Vineyard and Anderson Geneva will be involved in this review with UDOT. These parties will have the opportunity to provide any documentation concerning the crossing for this review. As part of the review, a meeting will be held at the site of the railroad crossing.

If you have any further questions concerning this matter, please contact me or Renee Spooner.

Sincerely,


Eric Cheng, P.E.
UDOT Chief Railroad Engineer

Cc: Tracy Conti
Robert Hull
Dave Nazare
Renee Spooner
David Church, Vineyard Town
Randy Farnworth, Vineyard Town
Josh Sletten, HNTB

Joshua Sletten

From: JMARSHAL@up.com
Sent: Tuesday, February 17, 2009 5:00 PM
To: Joshua Sletten
Cc: billince@up.com; 'Eric Cheng'; Travis Colledge; RKDEAL@UP.COM
Subject: Anderson Geneva crossing at 400 North in Vineyard
Attachments: graycol.gif; pic15574.gif; ecblank.gif; InventoryReport[1].pdf

Josh,

On page 3 of the "Private Highway-Rail Grade crossing Safety Research and Inquiry" manual it states:
"The FHWA Manual on Uniform Traffic control Devices (MUTCD) defines a public highway-rail grade crossing as any intersection between a public roadway and railroad. The Roadway on either side of the crossing must be a public roadway, i.e. under the jurisdiction of, and maintained by, a public authority and open to public travel. If either approach to a crossing does not qualify as a public roadway, then the crossing is typically classified as a private crossing."

The link to this manual is:

www.fra.dot.gov/downloads/safety/privatexingsafetyresearchinquiry_061008.pdf

A "Public Road " is defined by the MUTCD as: any road or street under the jurisdiction of and maintained by a public agency and open to public travel.

The link to this manual is:

<http://mutcd.fhwa.dot.gov/HTM/2003r1/html-index.htm>

This crossing has clearly been a private crossing by both the MUTCD and FHWA definition of a private crossing... this crossing went from a public to a private when Geneva Steel constructed a private business and closed the crossing to the public as it remains to this day. If UDOT needed to send out public notices it should have done it back when Geneva Steel original asked to close this road to the public. We think its obvious that this hasn't been a public crossing for many years and was just not updated in our data bases. This happens often and I can show you other examples where we changed our data bases to match what the crossing actually is.

We fill this is worth fighting for and don't want to set a precedence for turning private crossings into public crossings. We hope UDOT will also move against this happening. Thanks

Jim Marshall
Manager Special Projects Industry & Public
Union Pacific Railroad
280 South 400 West Suite 250
Salt Lake City, UT 84101
PH (801) 212-2783 Fax (801) 212-2781
Joshua Sletten <jsletten@HNTB.com>

Joshua Sletten
<jsletten@HNTB.com>

02/06/2009 03:56 PM

To "JMARSHAL@up.com" <JMARSHAL@up.com>

cc Travis Colledge <tcolledge@HNTB.com>, 'Eric Cheng'

SubjectAnderson Geneva crossing at 400 North in Vineyard

Jim,

As you can see from the attached inventory report for this crossing, it has been inventoried as public since 1970. I need any information you have that can be used to show this is inaccurate. This has become a legal challenge for the department and we are gathering to discuss it the week after next. If you can provide me with all the info you have before then, it will be very helpful.

Best regards,

Joshua J. Sletten, P.E.
Bridge Engineer

HNTB Corporation
257 East 200 South, Suite 1000
Salt Lake City, UT 84111

Tel (801) 656-2122
Mob (801) 349-0749
Fax (801) 656-2102
www.hntb.com

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(See attached file: InventoryReport[1].pdf)

**

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**

UNION PACIFIC RAILROAD COMPANY

James D Marshall
Mgr. Special Projects Ind. & Public
(801)212-2783



280 South 400 West
Salt Lake City, UT 84101

January 28, 2009

File: Crossing Private
UT : Vineyard
DOT 254903N
MP 708.19 – Provo Sub
Utah Service Unit

Mr. Dennis Astill
Project Manager and General Counsel
99 N Geneva Road
Vineyard, UT 84057

Dear Mr. Astill:

As per our previous conversation over the past few years concerning the closure of the private crossing at the above referenced location and the construction of a proposed grade separation south of this location.

As you are aware UTA construction has started on the Provo Corridor and our signal construction schedule is quickly approaching. Signal construction through this area is estimated to be late 2009 or early 2010. At that time we will not be able to support the existing crossing equipment and the crossing will need to be permanently closed.

This letter is to give you advanced notice of the closure. We will forward a formal letter when we have a more defined date.

If design is completed on your proposed grade separation please forward to my office for approval and we can prepare an agreement for your review.

Thank you for your cooperation and assistance in this matter and if you have any questions please feel free to call me at 801-212-2783.

Sincerely

James D. Marshall
Manager Special Projects Industry & Public

Steve Meyer – UTA

CC:

UPRR believes the crossing at MP 708.19 on the Provo Subdivision, DOT #254903N is a Private crossing because:

1. A private crossing is a “highway-rail grade crossing that is not a public highway-rail grade crossing, such as grade crossings that are on privately-owned roadways utilized only by the owner’s licensees and invitees.” Railroad-Highway Grade Crossing Handbook at 223.
2. “The FHWA Manual on Uniform Traffic control Devices (MUTCD) defines a public highway-rail grade crossing as any intersection between a public roadway and railroad. The Roadway on either side of the crossing must be a public roadway, i.e. under the jurisdiction of, and maintained by, a public authority and open to public travel. If either approach to a crossing does not qualify as a public roadway, then the crossing is typically classified as a private crossing.” Private Highway-Rail Grade crossing Safety Research and Inquiry at 3. The link to this manual is www.fra.dot.gov/downloads/safety/privatexingsafetyresearchinquiry_061008.pdf.
3. A “Public Road” is defined by the MUTCD as: any road or street under the jurisdiction of and maintained by a public agency and open to public travel. The link to this manual is <http://mutcd.fhwa.dot.gov/HTM/2003r1/html-index.htm>.
4. The crossing at issue here is not public because it has not been maintained by a public agency and is not open to public travel. In fact, it is gated. In addition, at least one of the approaches to the crossing does not qualify as a public roadway. The approach on the east side of the crossing is on private property—property that once was Geneva Steel and is now apparently controlled by Anderson Geneva.
5. Because the east side of the crossing enters into the old Geneva Steel site and was used by Geneva Steel as an entrance to the property, the crossing has been closed to the Public over 60 years.
6. Our understanding is that the roadway on the east side of the tracks was vacated in 1942. There is no existing Public Crossing Agreement between DRGW or UPRR and Vineyard.
7. The residents on the west side have not needed public access through this crossing for the past 60 years. There is no need for a public road at this location. The new property owners have plenty of access on the east side.
8. A new public road at this location would be a financial benefit to Geneva Anderson Development because Geneva Anderson would not be required to construct a new overpass to serve the planned development as previously discussed and designed. This would save the developer millions of dollars and put the majority of the liability on UPRR.
9. UDOT has determined that the FRA database is correct but information in the Database is often incorrect. And the FRA database gives a clear definition of a Public crossing, as outlined above.



State of Utah

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DEPARTMENT OF TRANSPORTATION

JOHN R. NIORD, P.E.
Executive Director

CARLOS M. BRACERAS, P.E.
Deputy Director

January 20, 2009

Mr. Dennis Astill
Project Manager & General Counsel
Anderson Geneva Development
99 North Geneva Road
Vineyard, UT 84057

Re: Railroad Crossing at 400 North Vineyard Road

Dear Mr. Astill,

We have received your letter dated December 31, 2008 regarding the status of the 400 North and Vineyard Road.

We have investigated the status of this crossing and found out that this crossing is not recognized as a public crossing. It enters private property with gates that are generally locked. UPRR has forwarded this documentation to both the State and Federal Railroad Administrations to modify their records to show this crossing as a private crossing.

Because this is private crossing, the Utah Department of Transportation does not have authority or oversight concerning this crossing. Vineyard City will have to coordinate with Union Pacific Railroad to find an alternative access when the crossing is closed.

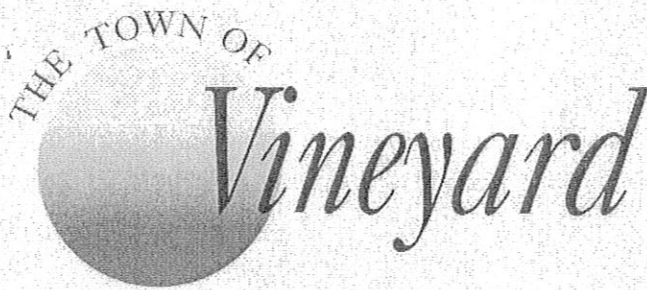
Administrative Rule 930-5-2(1) states:

"Department oversees all at-grade public highway/railway crossings in the state of Utah and provide for the safe, efficient operation of vehicles and pedestrians through highway/railway intersections."

Please contact me at (801) 965-4284 if you have any questions with regards to this issue.

Sincerely,

Eric Cheng, P.E.
UDOT Chief Railroad Engineer



January 20, 2009

Attn: Eric Cheng
Chief Railroad Engineer
Utah Department of Transportation
4501 S. 2700 W.
P.O. Box 143200
Salt Lake City, UT 84114-3200

Dear Mr. Cheng,

We recently became aware of UTA's apparent proposal to eliminate an at-grade crossing at 400 North in the Town of Vineyard along the UP main-line track as part of the larger FrontRunner South Commuter rail line project.

The Town of Vineyard vigorously opposes any attempt to close this public crossing that has existed for at least 100 years. It is the only crossing along a nearly 3 mile stretch of rail, and is an important access now for a large property owner in our Town. It is currently shown on our approved transportation master plan as a primary through road and crossing that the Town will rely on for the future development of Vineyard.

We were very surprised to find out about this proposal, as your original notification on this project that you provided pursuant to Administrative Rule R930-5-14 in October and November of 2008, does not indicate that this crossing is affected at all. The only crossings identified within the Town of Vineyard to be affected are Geneva Road and 4000 North. It appears that perhaps your notice is in error, as we know of no 4000 North crossing (or street for that matter) located in the Town of Vineyard. Perhaps the Notice was prepared in error, if so, than it is defective and cannot be considered to have provided legal notice and due process to Vineyard or any other affected party.

In addition, the Notice that was provided for the FrontRunner South Commuter Rail line stated that the changes to any of the 41 crossings considered were "new track, minor grade changes and adding safety upgrades including construction of raised medians (60 to 100 feet in length) and active warning devices at each applicable crossing". No mention is made of any proposal to close any crossings, including 400 North.

Also in the Notice it states that "(a) Surveillance Review Team that included representatives from each local jurisdiction, Utah Department of Transportation (UDOT),

THE TOWN OF

Vineyard

UPRR and UTA, has evaluated each of the 41 crossings affected by construction of the project to ensure that final design meets all applicable safety requirements". The Town of Vineyard is not aware of any appointment made by Vineyard to the Surveillance Review Team. R930-5-7 (2)(c) of the Utah Administrative Code indicates that the team member from Vineyard Town would typically be from the Town Engineer or Public Works department. Don Overson is the Town of Vineyard Engineer and is responsible for public works as well. He was not aware or involved in any Surveillance Review Team involving any of the railroad crossings involving the FrontRunner South Commuter Rail project.

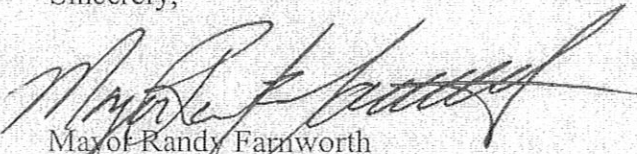
We would formally request a determination by UDOT that it is not appropriate for any closure of the 400 North crossing. Notice regarding this closure is defective, and the procedures required under the Utah Administrative Code involving the Diagnostic/Surveillance Team were apparently not followed.

As you are aware, Section 72-3-104 (4) of the Utah Code specifies that the municipal governing body exercises sole jurisdiction and control of the city streets within the municipality. 400 North, including the crossing, is a city street. Section 9, Article XI of the Constitution of the State of Utah further supports the jurisdiction of the municipality relating to railroads located on city streets. The Town of Vineyard has not currently given UTA any permissions or required permits to modify the 400 North crossing in any way, including removal of safety and crossing structures.

In order to vacate any portion of 400 North as a public highway and street, an extensive notice and hearing process is required under Utah Code 10-9a-208 and 10-9a-609.5. None of the required actions have been taken to legally vacate the road, so closing of the 400 North crossing would not be in conformance with State required procedures.

We would appreciate a timely response.

Sincerely,



Mayor Randy Farnworth
Town of Vineyard

U.S. DOT - CROSSING INVENTORY INFORMATION
AS OF 2/23/2009

Crossing No.: **254903N** Update Reason: **Changed Crossing** Effective Begin-Date of Record: **04/01/99**
Railroad: **UP Union Pacific RR Co. [UP]** End-Date of Record:
Initiating Agency **State** Type and Position: **Public At Grade**

Part I Location and Classification of Crossing

Division:	DENVER	State:	UT
Subdivision:	6	County:	UTAH
Branch or Line Name:	MAINLINE	City:	Near OREM
Railroad Milepost:	0708.19	Street or Road Name:	WGATE ON WGENEVA
RailRoad I.D. No.:	WA 708.19	Highway Type & No.:	
Nearest RR Timetable Stn:		HSR Corridor ID:	
Parent Railroad:		County Map Ref. No.:	25-3-11
Crossing Owner:		Latitude:	40.2918010
ENS Sign Installed:		Longitude:	-111.7331010
Passenger Service:		Lat/Long Source:	
Avg Passenger Train Count:	0	Quiet Zone:	No
Adjacent Crossing with Separate Number:			

Private Crossing Information:

Category:	Public Access:		
Specify Signs:	Specify Signals:		
ST/RR A	ST/RR B	ST/RR C	ST/RR D
Railroad Use:			
State Use:			
Narrative:			

Emergency Contact: **(800)848-8715** Railroad Contact: State Contact:

Part II Railroad Information

Number of Daily Train Movements:		Less Than One Movement Per Day:	No
Total Trains:	20	Total Switching:	0
Typical Speed Range Over Crossing: From	45 to 50 mph	Day Thru:	10
Type and Number of Tracks:	Main: 1 Other 1	Maximum Time Table Speed:	70
		Specify:	SIDING
Does Another RR Operate a Separate Track at Crossing?	No		
Does Another RR Operate Over Your Track at Crossing?	No		

U.S. DOT - CROSSING INVENTORY INFORMATION

Crossing **254903N**

Continued

Effective Begin-Date of Record: **04/01/99**

End-Date of Record:

Part III: Traffic Control Device Information

Signs:

Crossbucks: **0**
Advanced Warning: **Yes**
Pavement Markings: **No Markings**

Highway Stop Signs: **0**
Hump Crossing Sign:
Other Signs: **0** Specify:
0

Train Activated Devices:

Gates: **2**
Mast Mounted FL: **2**
Cantilevered FL (Over): **0**
Other Flashing Lights: **0**
Highway Traffic Signals: **0**
Other Train Activated
Warning Devices:
Channelization:
Track Equipped with
Train Signals? **Yes**

4 Quad or Full Barrier:
Total Number FL Pairs: **0**
Cantilevered FL (Not over): **0**
Specify Other Flashing Lights:
Wigwags: **0** Bells: **1**
Special Warning Devices Not
Train Activated:
Type of Train Detection: **DC/AFO**
Traffic Light **N/A**
Interconnection/Preemption:

Part IV: Physical Characteristics

Type of Development: **Industrial**
Number of Traffic Lanes
Crossing Railroad: **4**
Is Highway Paved? **Yes**
Crossing Surface: **Timber**
Nearby Intersecting
Highway? **Less than 75 feet**
Does Track Run Down a
Street? **No**
Is Commercial Power **Yes**

Smallest Crossing Angle: **60 to 90 Degrees**
Are Truck Pullout Lanes Present? **No**
If Other:
Is it Signalized?
Is Crossing Illuminated?

Part V: Highway Information

Highway System: **Non-Federal-aid**
Is Crossing on State
Highway System: **No**
Annual Average Daily
Traffic (AADT): **003725**
Estimated Percent Trucks: **10**
Posted Highway Speed: **0**

Functional Classification of
Road at Crossing: **Urban Local**
AADT Year: **1988**
Avg. No of School Buses per Day: **0**

U.S. DOT - CROSSING INVENTORY INFORMATION
AS OF 1/4/2010

Crossing No.: **254903N** Update Reason: **Changed Crossing** Effective Begin-Date of Record: **12/08/08**
Railroad: **UP Union Pacific RR Co. [UP]** End-Date of Record:
Initiating Agency **Railroad** Type and Position: **Private At Grade**

Part I Location and Classification of Crossing

Division:	DENVER	State:	UT
Subdivision:	6	County:	UTAH
Branch or Line Name:	MAINLINE	City:	Near OREM
Railroad Milepost:	0708.19	Street or Road Name:	PRIVATE GENEVA
Railroad I.D. No.:	WA 708.19	Highway Type & No.:	
Nearest RR Timetable Stn:		HSR Corridor ID:	
Parent Railroad:		County Map Ref. No.:	25-3-11
Crossing Owner:		Latitude:	40.2918010
ENS Sign Installed:		Longitude:	-111.7331010
Passenger Service:		Lat/Long Source:	Neither
Avg Passenger Train Count: 0		Quiet Zone:	No
Adjacent Crossing with Separate Number:			

Private Crossing Information:

Category:	Industrial	Public Access:	Unknown
Signals	Specify Signs:	Specify Signals:	BELLS, GATES
	ST/RR A	ST/RR B	ST/RR C
			ST/RR D
Railroad Use:			
State Use:			
Narrative:			

Emergency Contact: **(800)848-8715** Railroad Contact: State Contact:

Part II Railroad Information

Number of Daily Train Movements:		Less Than One Movement Per Day:	No
Total Trains: 20	Total Switching: 0	Day Thru:	10
Typical Speed Range Over Crossing: From 45 to 50 mph		Maximum Time Table Speed:	70
Type and Number of Tracks: Main: 1 Other 1		Specify:	SIDING
Does Another RR Operate a Separate Track at Crossing?	No		
Does Another RR Operate Over Your Track at Crossing?	No		

U.S. DOT - CROSSING INVENTORY INFORMATION

Crossing **254903N**

Continued

Effective Begin-Date of Record: **12/08/08**

End-Date of Record:

Part III: Traffic Control Device Information

Signs:

Crossbucks: **0**
Advanced Warning: **Yes**
Pavement Markings: **No Markings**

Highway Stop Signs: **0**
Hump Crossing Sign:
Other Signs: **0** Specify:
0

Train Activated Devices:

Gates: **2**
Mast Mounted FL: **2**
Cantilevered FL (Over): **0**
Other Flashing Lights: **0**
Highway Traffic Signals: **0**
Other Train Activated
Warning Devices:
Channelization:
Track Equipped with
Train Signals? **Yes**

4 Quad or Full Barrier:
Total Number FL Pairs: **0**
Cantilevered FL (Not over): **0**
Specify Other Flashing Lights:
Wigwags: **0** Bells: **1**
Special Warning Devices Not
Train Activated:
Type of Train Detection: **DC/AFO**
Traffic Light **N/A**
Interconnection/Preemption:

Part IV: Physical Characteristics

Type of Development: **Industrial**
Number of Traffic Lanes
Crossing Railroad: **4**
Is Highway Paved? **Yes**
Crossing Surface: **Timber**
Nearby Intersecting
Highway? **Less than 75 feet**
Does Track Run Down a
Street? **No**
Is Commercial Power **Yes**

Smallest Crossing Angle: **60 to 90 Degrees**
Are Truck Pullout Lanes Present? **No**
If Other:
Is it Signalized?
Is Crossing Illuminated?

Part V: Highway Information

Highway System: **Non-Federal-aid**
Is Crossing on State
Highway System: **No**
Annual Average Daily
Traffic (AADT): **003725**
Estimated Percent Trucks: **10**
Posted Highway Speed: **0**

Functional Classification of
Road at Crossing: **Urban Local**
AADT Year: **1988**
Avg. No of School Buses per Day: **0**



State of Utah

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DEPARTMENT OF TRANSPORTATION

JOHN R. NIORD, P.E.
Executive Director

CARLOS M. BRACHERAS, P.E.
Deputy Director

October 21, 2009

Lorin Powell
Lehi City Engineer
153 N 100 E
Lehi, UT 84043

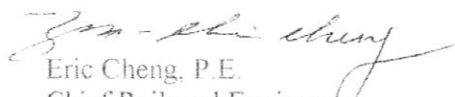
Subject: Authorization for Crossing Closures in Lehi City
DOT No. 254880J, 1220 North
DOT No. 254887G, 300 South
DOT No. 254892D, 300 East

Mr. Powell:

This letter will serve as authorization to close the subject existing railroad crossings in Lehi City, as we recommended in our revised project Surveillance Report dated November 18, 2008. Due process for public notices of the intent to close these crossings has been followed and reviewed. A letter dated July 30, 2009 was sent to you by Assistant Attorney General, Renee Spooner stating that UDOT has fulfilled requirements of Utah Administrative Code R930-5-14.

Since these crossings are in your City jurisdiction, please work with railroads to implement the closure and notify us for an inspection when the closure is completed. MUTCD standard for the closure is to be followed as needed. If you have any questions regarding this letter, please feel free to contact me at (801) 965-4284.

Sincerely,


Eric Cheng, P.E.
Chief Railroad Engineer

Cc: Jason Bleyl, UTA
Travis Colledge, HNTB
Renee Spooner
Jim Marshall, UP

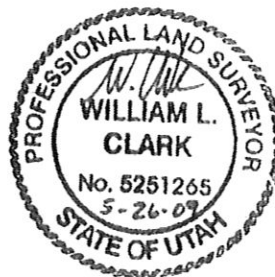
To: Steve Meyer
Manager of Engineering and Construction, Commuter Rail
Utah Transit Authority
669 West 200 South
Salt Lake City, UT 84101

May 26, 2009

Steve,

I have examined the road abandonment document affecting 400 North Vineyard Road and the Railroad Right of Way. The portion of the large legal description affecting the 400 North Road area is found at lines 23 – 25 of the overall legal description. The description calls to and along the existing Section Line common to Sections 8 and 17, Township 6 South, Range 2 East and continuing to the East Line of the Denver and Rio Grand Railroad, then continuing Southeasterly along said East Railroad Right of Way. Psomas has located and measured the subject Section Line and Railroad Right of Way in the field and it's location roughly follows the center of the improved roadway along 400 North Road to it's intersection with the East Line of the Railroad Right of Way. (as shown on survey). The affect of this document would abandon the North Half of 400 North Road, and land lying East of the existing Railroad Corridor (as shown on survey). In my opinion the intent of the document in relation to the road and railroad mentioned above is very clear and unambiguous.

Sincerely, William L. Clark PLS.



On motion of Commission Johnson, seconded by Commissioner Clark, and passed, the following Resolution

pertaining to roads within the Geneva Works area was passed:

R E S O L U T I O N and
O R D E R

It appearing to the Board of County Commissioners of Utah County, Utah, that Defense Plant Corporation, a corporation created by Reconstruction Finance Corporation pursuant to Section 5d of the Reconstruction Finance Corporation Act, as amended, has acquired near Vineyard and within the limits of Utah County, Utah, the conveyance to it of an area containing approximately fifteen hundred (1500) acres of land and certain reliction lands adjacent thereto for the purpose of erecting blast furnaces, coke ovens, open hearth furnaces, and other facilities for the production of pig iron and steel, which tracts are commonly called the Geneva Plant Site, Plancor 301; and

It further appearing that there are clouds upon the title to said lands resulting from improper redemption certificates or the nonpayment of taxes or conveyances to Utah County for road purposes, and for other reasons; and

It further appearing that certain county roads traverse said plant site, which roads are no longer needed for use by the general public or freeholders living within the vicinity of said plant site, and that it is advisable that such county roads be vacated and abolished, and that Utah County quitclaim said plant site to said Defense Plant Corporation;

NOW, on application of Defense Plant Corporation, good cause appearing therefor, and in consideration of the aid that has been extended by said Defense Plant Corporation in the construction of that certain road beginning at the southerly corner of said plant site and extending northwesterly along the west side of right of way of the Denver & Rio Grande Western Railroad to the southern boundary of Section 8, Township 6 South, Range 2 East, Salt Lake Meridian, it is hereby ordered:

1. That all county highways (except the county road bordering the lake and hereinafter referred to) and easements located within the lands hereinafter described be and the same are hereby declared to be abolished, and any order, ordinance or other action designating any such roads or easements as county highways be and the same is hereby vacated and repealed, and the County Clerk of Utah County is hereby authorized and directed to record a certified copy of this resolution and order in the office of the County Recorder of Utah County, Utah.
2. That Utah County, a body corporate and politic of the State of Utah, quitclaim to said Defense Plant Corporation all of the right, title and interest of Utah County in and to the lands hereinafter described, whether such interest was acquired for road purposes, by reason of nonpayment of taxes, or otherwise, reserving, however, to Utah County its lien upon said lands for general taxes for the year 1942, and the County Clerk of Utah County, Utah, is hereby authorized and directed to execute and deliver, on behalf of Utah County, Utah, such quitclaim deed to said Defense Plant Corporation.

The lands hereinabove referred to are located in Utah County, Utah, and are particularly described as follows, to-wit:

Beginning at a point on the West right of way line of the Union Pacific Railroad, said point being also on the East-West center section line of Section 5, and from which point the quarter corner between Sections 4 and 5, Township 6 South, Range 2 East, Salt Lake Base and Meridian, bears North 89° 32' 30" East 939.64 feet; thence South 89° 32' 30" West 6831.53 feet to the point of intersection of the said center section line produced with the Utah Lake meander line; thence along said meander line as follows: South 4° 41' 50" East 959.17 feet; thence South 11° 26' 40" West 1755.57 feet; thence South 8° 34' 40" West 350.10 feet; thence South 8° 52' 0" East 1039.29 feet; thence South 4° 45' 50" West 1487.45 feet; thence South 7° 18' 10" East 1177.92 feet; thence South 5° 13' 10" East 765.50 feet to the intersection of the said meander line with the East line of County Road, Deed No. 5; thence South 29° 19' East 25.94 feet; thence South 9° 06' East 600.59 feet to the North line of said County Road; thence South 89° 59' 38" East 2079.00 feet along said North line of County Road; thence North 68° 49' East 372.90 feet to the section line between Sections 7 and 8, above Township and Range; thence South 0° 16' 10" East 27.72 feet to the corner common to Sections 7, 8, 17, and 18, above Township and Range; thence North 89° 20' 05" East 2756.11 feet along said Section line to the East right of way of the Denver and Rio Grande Railroad; thence South 30° 10' 10" East 5269.00 feet along said East railroad right of way to the intersection with the West right of way of State Highway No. 114; thence North 0° 30' 40" West 4587.79 feet along the said West right of way of Highway 114, which right of way is parallel to and 33 feet West of the Center line of said highway, to the section line between Sections 8 and 17, above Township and Range; thence North 89° 20' 05" East 103.04 feet along said Section line to the West right of way fence of the Union Pacific Railroad, said right of way fence being parallel to and 33 feet West of the Center line of said railroad track; thence North 7° 54' West 8037.12 feet along said West railroad right of way to the point of beginning, containing 1523.561 acres.

MINUTES--Board of County Commissioners, Utah County, Utah

Also:

Beginning at a point on the Utah Lake Meander Line, said point being at the intersection of the East-West center section line of Section 6, Township 6 South, Range 2 East, Salt Lake Base and Meridian, and said Meander Line, from which point of intersection the East quarter corner of said Section 6 bears North 89° 32' 30" East 2453.69 feet; thence along said Utah Lake Meander Line as follows: South 4° 41' 50" East 959.17 feet; thence South 11° 26' 40" West 1756.57 feet; thence South 8° 34' 40" West 350.10 feet; thence South 8° 52' 00" East 1039.29 feet; thence South 4° 45' 50" West 1487.45 feet; thence South 7° 18' 10" East 1177.92 feet; thence South 5° 13' 10" East 765.50 feet to the intersection of said Meander Line with the East line of County Road, Deed No. 5; thence South 29° 19' East 25.94 feet along said East line of County Road; thence South 9° 06' East 600.59 feet to the North line of said County Road; thence due West to the water's edge 860 feet, more or less; thence Northerly along said water's edge 8100 feet, more or less, to a point which lies due west of the point of beginning; thence due East from said water's edge 1450 feet, more or less, to the point of beginning; it being intended by this instrument to include within the foregoing description all reliction lands West of said meander line as above described and the water's edge of Utah Lake, including or excluding, as the case may be, the area occasioned by the rise or fall of the Lake.

Excepting, however, from the above described lands that certain county road running in a northerly and southerly direction and located west of said meander line, and which road begins at the Southwest corner and terminates at the Northwest corner of the property first above described.

PASSED by the Board of Utah County Commissioners this 3 day of August, A.D. 1942.

R.J. Murdock
William J. Johnson
Sylvan Clark
BOARD OF UTAH COUNTY
COMMISSIONERS

ATTEST: C.A. Grant
County Clerk
(Seal)

On motion of the County Sheriff, Wayne Soffe and Louis Petro, special deputy sheriffs at Geneva Works, were released, and Frank Mitchell, special deputy at Ironton, was also released.

On motion of Commissioner Clark, seconded by Commissioner Johnson, and passed, the County Fair for 1942 was cancelled in keeping with the federal recommendation.

In recognition of the work done by the 4-H Clubs in connection with the annual County Fair (cancelled for this year) the Commissioners agreed to appropriate \$349.00 for the use of the clubs in their work projects.

Claims were presented and approved for payment as per certified lists on file with the County Clerk, County Auditor, and County Treasurer.

ATTEST: C.A. Grant
County Clerk.

R. J. Murdock
CHAIRMAN OF THE BOARD

August 10, 1942.

The Board of Utah County Commissioners met in regular session in their place of meeting in the City and County Building at Provo, Utah, on Monday, August 10, 1942.

On roll call the following were present:

Chairman R.J. Murdock, Commissioner
Wm. J. Johnson, Commissioner
Sylvan Clark, Commissioner
C.A. Grant, County Clerk.

The Chairman was authorized to sign the following Correction Letters, Nos.: 10560, 10564, 10565, 10566, 10567, 10568, 10569, 10570.

The following hospital bill was approved and ordered paid:

\$40.00 to Dr. W.H. Groves of the L.D.S. Hospital for services for Mrs. Beatrice Fox.

The following special deputy sheriffs without pay were appointed: Clinton H. Roberts, J.F. Johnson, to serve at Geneva Works; Wm. H. Brown at Ironton; Stanley H. Brown at Provo; and J. H. Brown at Panguitch.

2710

August 7, 1943

Farnsworth & Van Cott
Attorneys-at-Law
The D. & R. G. W. R. R. Co.
Walker Bank Bldg.
Salt Lake City, 1,
Utah

ATTENTION: E. C. Jensen

Gentlemen:

Enclosed herewith are two (2) certified copies
of the Commission's Report and Tentative Order in Case No.
2710.

In conformity with the requirements of the Order,
please have the substance of the order published in a news-
paper of general circulation in Utah County, Utah, for two
issues, said publication to be completed on or before August
22, 1943.

Proof of publication should be filed with the
Commission on or before August 27, 1943.

Very truly yours,

DEPARTMENT OF BUSINESS REGULATION
Public Service Commission

Theodore E. Thain
Acting Secretary

TEF:jp
Encls.

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of)
THE DENVER and RIO GRANDE WESTERN)
RAILROAD COMPANY, a Corporation, and)
Wilson McCarthy and Henry Swan, Trus-)
tees of the property thereof, in Re-)
organization Proceedings for permis-)
sion to construct, maintain and op-)
erate a standard gauge railroad track)
over and upon a state highway, No.)
U-114, and seven county highways in)
Utah County, Utah.)

Case No. 2710

R E P O R T

and

TENTATIVE ORDER

DECLERED

By the Commission:

The above-entitled application of The Denver and Rio Grande Western Railroad Company, a corporation, and Wilson McCarthy and Henry Swan, Trustees, was filed with the Commission July 15, 1943.

The Commission ordered the matter handled under summary procedure according to its rules of practice and procedure which provide for an investigation and the issuance of a tentative order, subject to the right of any interested parties to protest within the time specified in the order.

From the investigation made by the Commission, and from the record and file in this matter which are hereby made a part hereof by reference, the Commission makes the following findings:

That The Denver and Rio Grande Western Railroad Company is a corporation, organized and existing under and by virtue of the laws of the State of Delaware, and is authorized to do business in the State of Utah as a common motor carrier of property and persons; that Wilson McCarthy and Henry Swan are Trustees of the property of said railroad company in reorganization proceedings under Section 77-B of the Bankruptcy Act as amended; and that the said The Denver and Rio Grande Western Railroad Company, a corporation, is subject to the jurisdiction of the Public Service Commission of the State of Utah.

That the applicants own and operate a line of standard gage railroad, among other places, in Utah, between Provo, Utah County, Utah, and Salt Lake City, Salt Lake County, Utah; that the main line of said railroad near Geneva, Utah County, Utah, now crosses certain county roads and state highway U-114 at grade; that the applicants propose to construct a second main track near said

Geneva, Utah, parallel to the said main line track, which said second main track will, when constructed, cross at grade said highways at the following described locations:

A county highway, at m.p. 703 plus 1433 feet of the main line of the D.&R.G.W.R.R., in the NW-1/4 of Sec. 2 Twp. 7 south, R. 2 E., Utah County, approximately 350 feet south and 700 feet east from the NW corner of Sec. 2, and 418 ft. southeasterly along the center line of present main track from the north line of said Sec. 2.

A county highway, at m.p. 704 plus 1203 feet of the main line of the D.&R.G.W.R.R., in the NE-1/4 of Sec. 34, Twp. 6 South, R. 2 E., Utah County, approximately 1650 feet south and 475 feet east from the northwest corner of the NE-1/4 of Sec. 34, and 2100 feet southeasterly along the center line of present main track from the north line of said Sec. 34.

A county highway, at m.p. 704 plus 3230 feet, on Section line between Sec. 27 and 34, Twp. 6 South, R. 2 E., Utah County at a point 1850 feet east from the SW corner of said Sec. 27.

A county highway, at m.p. 705 plus 4597 feet, on Section line between Sec. 21 and 28, Twp. 6 South, R. 2 E., Utah County, at a point approximately 3050 feet west from the northeast corner of said Sec. 28.

A county highway, at m.p. 706 plus 2365 feet, on line between the NW-1/4 and SW-1/4 of Sec. 21, Twp. 6 south, R. 2 E., Utah County, at a point approximately 1625 feet east from the west line of said Sec. 16.

A county highway, at m.p. 707 plus 173 feet, on Section line between Sec. 16 and 21, Twp. 6 South, R. 2 E., Utah County, at a point approximately 310 feet east from the southwest corner of said Sec. 16.

State highway U-114 at m.p. 707 plus 835 feet on Section line between Sec. 16 and 17, Twp. 6 South, R. 2 E., Utah County, at a point approximately 560 feet north from the southwest corner of said Sec. 16.

At county highway crossing to Geneva Steel Plant at m.p. 708 plus 995 feet, on Section line between Sec. 8 and 17, Twp. 6 South, R. 2 E., Utah County, at a point approximately 2700 feet west from the northeast corner of said Sec. 17.

as shown by blueprint attached to application, and by reference hereby made a part hereof.

That the construction, operation and maintenance of the proposed second main track will be in the public interest and will not create any undue hazards to motorists or others using the crossing, and will facilitate the movement of traffic to the Geneva Steel Plant at Geneva, Utah, without interruption of traffic moving on the main line of said applicants.

STATE OF UTAH
DEPARTMENTAL MEMORANDUM

From
DEPART. MENT

DATE: July 20, 1943

DIVISION Inspection

FILE:

To
DEPARTMENT Public Service Commission

SUBJECT: Report of investigation made regarding application made by The Denver and Rio Grande Western Railroad Company to construct a second main line track paralleling their present main line track in Utah County.

DIVISION



To the Commission:

On July 16, 1943, the Denver and Rio Grande Western Railroad Company filed an application with the Public Service Commission requesting permission to construct a second main line track parallel to their present main line track in Utah County between mile post 702 plus 3,136 feet and mile post 708 plus 2,240 feet. In the application the Railroad Company asks for permission to cross eight highways six of which are designated as County Roads and two of which are designated as State Highways; namely, U114 and SR78. The purpose of this second main line track is to serve the Geneva Steel Plant without interruption to their main line of traffic.

On July 19, 1943, I made an inspection of the crossing sites, and I recommend to the Public Service Commission that this application be granted; that the Denver and Rio Grande Western Railroad Company be required to properly bond the tracks in order that the crossing signals will give the necessary warning to motorists; and that the new track be constructed at grade with the other main line track in case of the necessity of improvement to the present State Highway.

- 2 -

I was informed by officials of the State Road Commission that there was no objection to this work being done providing this track was built at grade with the present track. I have also been informed that the officials of Utah County will approve this program as outlined by the Denver and Rio Grande Western Railroad Company.

Respectfully submitted,


Robert N. Slaughter
Inspector

COMMISSIONERS
 R. J. WOODCOCK, Chairman
 Wm. J. DUNCAN
 S. W. CLAY
 D. A. GRANT, County Clerk
 ERNEST H. HADLEY,
 Acting County Auditor



UTAH COUNTY
 STATE OF UTAH
 PROVO, UTAH
 July 23, 1943

THOMAS E. HALL, Auditor
 FRANK T. BENNETT, Treasurer
 EUGENE F. TAYLOR, Assessor
 LAWRENCE H. ATWOOD, Engineer
 ARTHUR C. ADAMS, Surveyor
 LUTHER C. GREEN, Sheriff



Honorable Board of County Commissioners
 City & County Building
 Provo, Utah

Gentlemen:

I went over the D. & R.G. RR. today, from the viaduct on West Center Street north to the Geneva plant and inspected grade crossings as indicated on the blueprint, and report and recommend as follows:

Highway Crossing at M.P. 703 + 1433'. Visibility clear, except for a few useless trees on the East side of track. Highway road grade good. Highway Crossing at M.P. 704 + 1203'. Visibility clear. County Road grade both sides of R.R. track should be raised to grade of track for a distance from tracks of at least 100 feet. Highway Crossing M.P. 704 + 3280'. Visibility clear, except for a few trees on east side of R.R. track. County road grade on West side should be raised to grade of tracks. Highway Crossing M.P. 705 + 4597'. Visibility clear. Highway grade should be raised to level of R.R. tracks on the west side. Highway Crossing M.P. 706 + 2365'. Visibility clear, Highway grade ok. Highway Crossing M.P. 707 + 173'. Visibility clear, except for beet loading station on West side of tracks. Highway grade from the west and between the two R.R. tracks should be raised to grade of R.R. track. Highway Crossing 707 + 835'. ok. Highway crossing 708 + 995'. Entrance into Steel Plant. Visibility clear. Highway grade should be raised on west side.

I find no reason why the request of the Denver & Rio Grande Western R.R. Company should not be granted.

Very truly yours,

Robert L. Wilson
 Utah County Surveyor

RLW/bcb

400 N.
Crossing

MP 708+2240'
End Proposed
2nd Main Track

Love

MP 708+995'
Highway Xing

708

(Steel Mill)
Geneva

MP 707+835'
Paved Highway Xing

MP 707+173'
Highway Xing

707

Cronin

MP 706+2365'
Highway Xing

706

400 S.
Crossing
at
Geneva
Road

- 400 S.
Crossing

General
(Steel Mill)

MP 707+835'
Paved Highway Xing

MP 707+173'
Highway Xing

Cronin

MP 706+2365'
Highway Xing

MP 705+4597'
Highway Xing

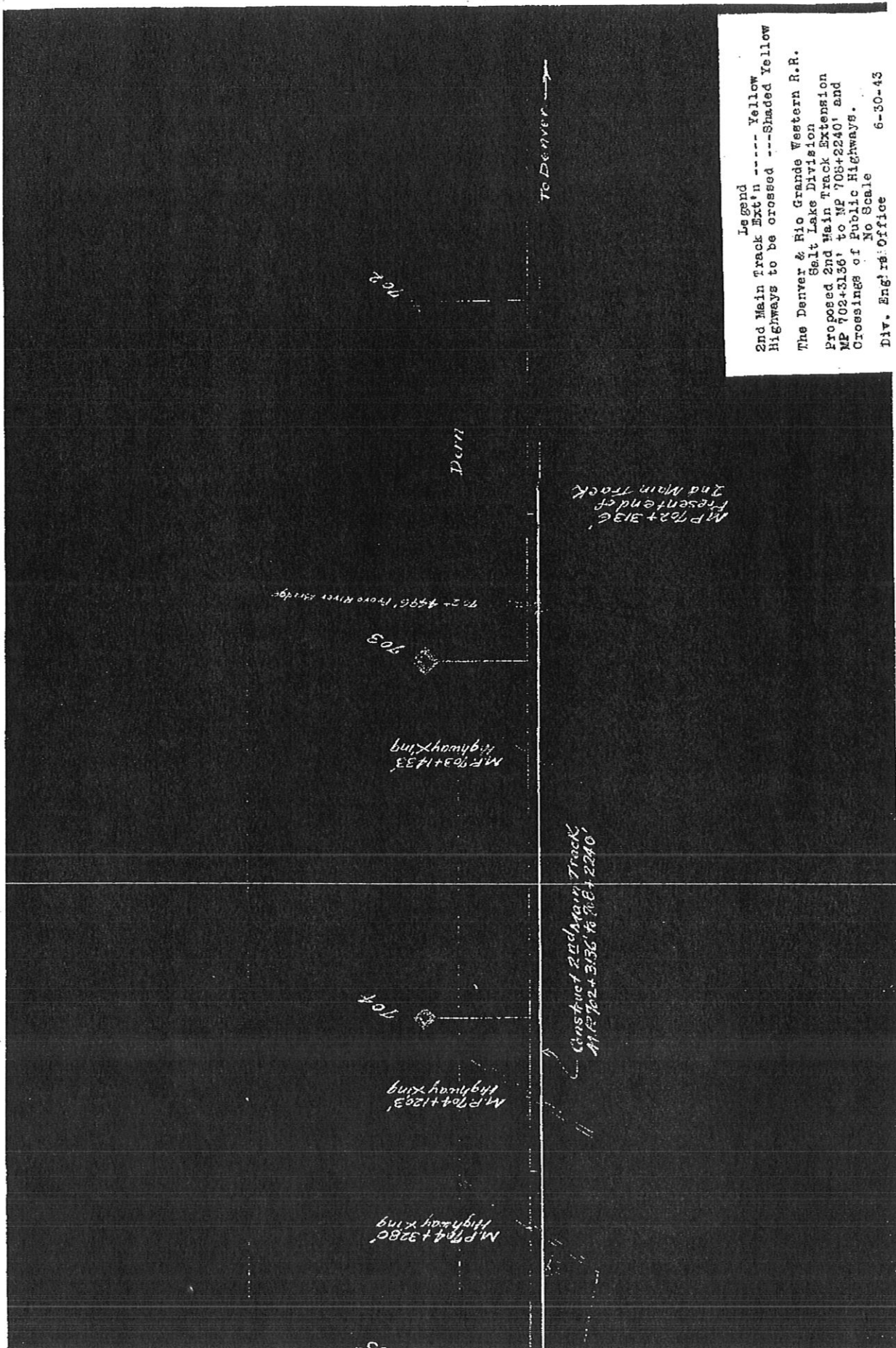
705+3671' UP Xing

Laketa

MP 704+3260'
Highway Xing

MP 704+1203'
Highway Xing

General
Mill



Legend

2nd Main Track Ext'n ---- Yellow
Highways to be crossed ---- Shaded Yellow

The Denver & Rio Grande Western R.R.

Salt Lake Division

Proposed 2nd Main Track Extension

MP 702+313C to MP 708+2240' and

Crossings of Public Highways.

No Scale

Div. Eng'r's Office 6-30-43

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application
of UNION PACIFIC RAILROAD COMPANY,
a corporation, for permission to
construct an industry track at
grade over and across a public
highway in the vicinity of Geneva,
Utah County, Utah, known and des-
ignated as U-114.

AMENDED
APPLICATION

Case 2714

Comes now the Union Pacific Railroad Company and re-
spectfully shows:

1. That it is a corporation organized under and existing
by virtue of the laws of the State of Utah, and owns and operates
over a large number of tracks in the State of Utah as well as in
other states and is a common carrier for hire of freight, passen-
gers, baggage and express.

2. That in the vicinity of the town of Geneva, Utah,
Antoine L. Bunker and E. Carlyle Bunker, a copartnership doing
business under the name and style of Bunker Farms, own and operate
a feed mill known as the Bunker Feed Mill; that said copartnership
receives shipments of grains from Utah and eastern points, includ-
ing the soy bean meal from the East, fish meal from California,
flour from all Utah points and salt from Salt Lake City, and grinds
and mixes the same into feed which is sold direct to the farmers.

3. That at the present time said copartnership hereinbe-
fore referred to have no rail facilities which serve their warehouse
and feed mill and they receive shipments from time to time in car-
load lots and are required, because of a lack of rail connection,
to truck the same for approximately one mile to their place of busi-
ness; that they have made application to the Union Pacific Railroad
Company for the construction of a spur track over and across Utah
Highway No. 114, at a point more particularly described as follows:

A 17 ft. strip of ground (8.5 ft. on each side of
the center line of said spur track), located in the NE
1/4 of the SE 1/4 of section 8; also in the SW 1/4 of
the SW 1/4 of section 9, T. 6 S., R. 2 E., S.L.B. & M.
The center line of said track and said strip of ground
is described as follows:

Beginning at a point which is 33 ft. perpendicularly
distant easterly from the center line of the U.P. R.R. Co.'s

18+220 - 570+00 Spur

688.33'

D: 10'-0" 0.45'

100' 100' 100'

96'

Earth Burden

2-120' End Spur



10' 10' 10' 10'

4-115.43'

1742

2135

1210'

26-285' 0.5

RE ENT

25-15' TO STATE ST. AND FOR HIGHWAY

25-15' 25-15'

NEW HIGHWAY ON LINE

EXHIBIT A
UNION PACIFIC RAILROAD COMPANY
UTAH DIVISION
Geneva, Utah

Plat to Accompany Application
for Franchise crossing State
Highway U-114, Geneva, Utah.

Scale: 1" = 100' 9/24/45

