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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

<p><b>UNION PACIFIC RAILROAD COMPANY’S PROPOSED ABANDONMENT OF THE SLC PASSENGER LINE NEAR SALT LAKE CITY, SALT LAKE COUNTY – STB DOCKET NO. AB-33 (SUB-NO. 338X)</b></p>	<p><b>Docket No. 21-999-15 Action Request Response</b></p>
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Pursuant to Utah Code § 54-4a and Utah Admin. Code R.746-1, the Division of Public Utilities (Division) files this Action Request Response. The Public Service Commission of Utah (Commission) should take no further action regarding the notice of proposed abandonment filed by Union Pacific Railroad Company (UP) in this docket.

UP filed a notice of proposed abandonment of a short rail line segment located in Salt Lake County, Utah. UP’s notice filed with the Commission indicates that it intends to file for abandonment under the “no business” exemption procedure with the United States Surface Transportation Board (STB). The Commission issued an Action Request to the Division on

December 7, 2021, directing the Division to review and make a recommendation regarding the notice.

The Division recommends that the Commission take no further action on the notice. First, it is unclear what if any jurisdiction this Commission might have regarding the line. Railroads subject to the STB jurisdiction must follow the federal process for abandonment. 49 U.S.C.A. § 10903(a)(1) states in part that any Railroad subject to STB jurisdiction “who intend[] to... abandon any part of its railroad lines... must file an application [with the STB]. An abandonment or discontinuance may be carried out only as authorized under this chapter.” The STB “has plenary and exclusive jurisdiction over the abandonment of rail lines.” *Chelsea Prop. Owners-Abandonment-Portion of the Consol. Rail Corp.'s W. 30th St. Secondary Track in New York, Ny*, 8 I.C.C.2d 773, 775 (I.C.C. Aug. 28, 1992). Notice to the state is required under 49 U.S.C.A. §10903(a)(3)(A) action to object or otherwise challenge the abandonment must be brought before the STB in the appropriate proceeding.

Second, the Division does not object to the abandonment and is unaware of any objections. The spur line that is proposed to be abandoned does not appear to currently be used or useable as it is physically no longer connected to the main rail north-south rail line adjacent to its location. It does not appear to have been used an extended period and there is no obvious utility in the line being maintained. The Division has contacted the Utah Department of Transportation, the Utah Transit Authority, Salt Lake County, and Salt Lake City and provided each entity a courtesy copy of the notice. The Division has not received any feedback from any of those entities that they intend to object or otherwise participate in the abandonment.

CONCLUSION

For the reasons stated above the Division recommends that the Commission take no further action on this notice.

Submitted this 4th day of January 2022.

/s/ Justin C. Jetter  
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