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UTAH DEPARTMENT OF COMMERCE

Division of Public Utilities

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Action Request Response

To: Public Service Commission of Utah

From: Utah Division of Public Utilities

Chris Parker, Director

Brenda Salter, Assistant Director

Doug Wheelwright, Utility Technical Consultant Supervisor

Casey J. Coleman, Utility Technical Consultant

Date: April 27, 2023

Re: **Docket No. 23-999-11**, Union Pacific Railroad Company's Proposed Abandonment and Discontinuance of the Hill Field Industrial Lead.

Recommendation (No Action Required)

Pursuant to Utah Code § 54-4a-1 and Utah Admin. Code R746-1-401, the Division of Public Utilities (Division) files this Action Request Response. The Division recommends that the Public Service Commission of Utah (Commission) take no further action regarding the notice of proposed abandonment filed by Union Pacific Railroad Company (UP) in this docket.

Discussion

On April 6, 2023, UP filed a notice of proposed abandonment of a short rail line segment that travels through both Davis County and Weber County, Utah. UP's notice filed with the Commission indicates that it intends to file with the United States Surface Transportation Board (STB), on or after April 17, 2023, a notice of an exempt abandonment under the STB's "no business" exemption procedure. The Commission issued an Action Request to the Division on April 6, 2023, directing the Division to review and make a recommendation regarding the notice.

Division of Public Utilities

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The Division recommends the Commission take no further action on this notice. The STB has exclusive jurisdiction over the abandonment of rail lines. The information provided by UP is filed with the Commission to satisfy the STB's procedural requirements for an exempt abandonment.

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 in use or useable and does not appear to have been used for an extended period. There is no obvious utility in the line being maintained.

Finally, on April 12, 2023, in a phone conversation with UP and the Division, a representative of UP indicated that UP is not expecting any response from the Commission. The experience of UP is that these abandonments occur without any response from a state regulatory commission.

Conclusion

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

cc: Whitney C. Larkin, General Attorney, Union Pacific
Patricia Schmid, DPU
Patrick Grecu, DPU