

UNION PACIFIC RAILROAD
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239661

December 2, 2015

ENTERED
Office of Proceedings
December 2, 2015
Part of
Public Record

VIA E-FILING

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 Thornton Industrial Lead from Milepost 29.52 to Milepost 30.02 also near Belmond, IA, a total distance of 0.5 miles in Wright County, Iowa; STB Docket No. AB-33 (Sub-No. 292X)

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") has received the executed Joint Notice of Interim Trail Use / Rail Banking Agreement Between Union Pacific Railroad Company and the Iowa Natural Heritage Foundation in Accordance with 49 C.F.R. 1152.29(h) which is attached hereto with this e-filing.

Sincerely yours,



Mack H. Shumate, Jr.
Senior General Attorney

Attachment

cc: Iowa National Heritage Foundation

2015_12_02 180-Day Ext Trail Use Request.doc



December 2, 2015

VIA E-FILE

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

**JOINT NOTICE OF INTERIM TRAIL USE / RAIL BANKING AGREEMENT
BETWEEN UNION PACIFIC RAILROAD COMPANY AND
THE IOWA NATURAL HERITAGE FOUNDATION
IN ACCORDANCE WITH 49 C.F.R. 1152.29(h)**

**Re: Abandonment of and Discontinuance of Service on the Fort Dodge Branch from
M.P. 29.52 to M.P. 30.02 near Belmond, in Wright County, Iowa; STB Docket No.
AB-33 (Sub-No. 292X)**

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") and the Iowa Natural Heritage Foundation (the "Foundation") have entered into a trail use/rail banking agreement (the "Trail Use Agreement") covering the rail line from milepost 29.52 to milepost 30.02 near Belmond, Iowa, on the Fort Dodge Branch (the "Line"). Attached to this Joint Notice as **Exhibit A** and made a part hereof is a map depicting an accurate description of the Line, including mileposts, that is the subject of said Trail Use Agreement. In accordance with the requirements of 49 C.F.R. 1152.29(h), Union Pacific and the Foundation hereby certify that the Trail Use Agreement includes provisions requiring the trail sponsor, the Foundation, to fulfill the responsibilities described at 49 C.F.R. 1152.29(a)(3). A copy of the Foundation's Statement of Willingness to Assume Financial Responsibility under the Trail Use Agreement is attached hereto as **Exhibit B** and is hereby made a part hereof.

Sincerely,

UNION PACIFIC RAILROAD COMPANY

By: ME Raebke
General Attorney

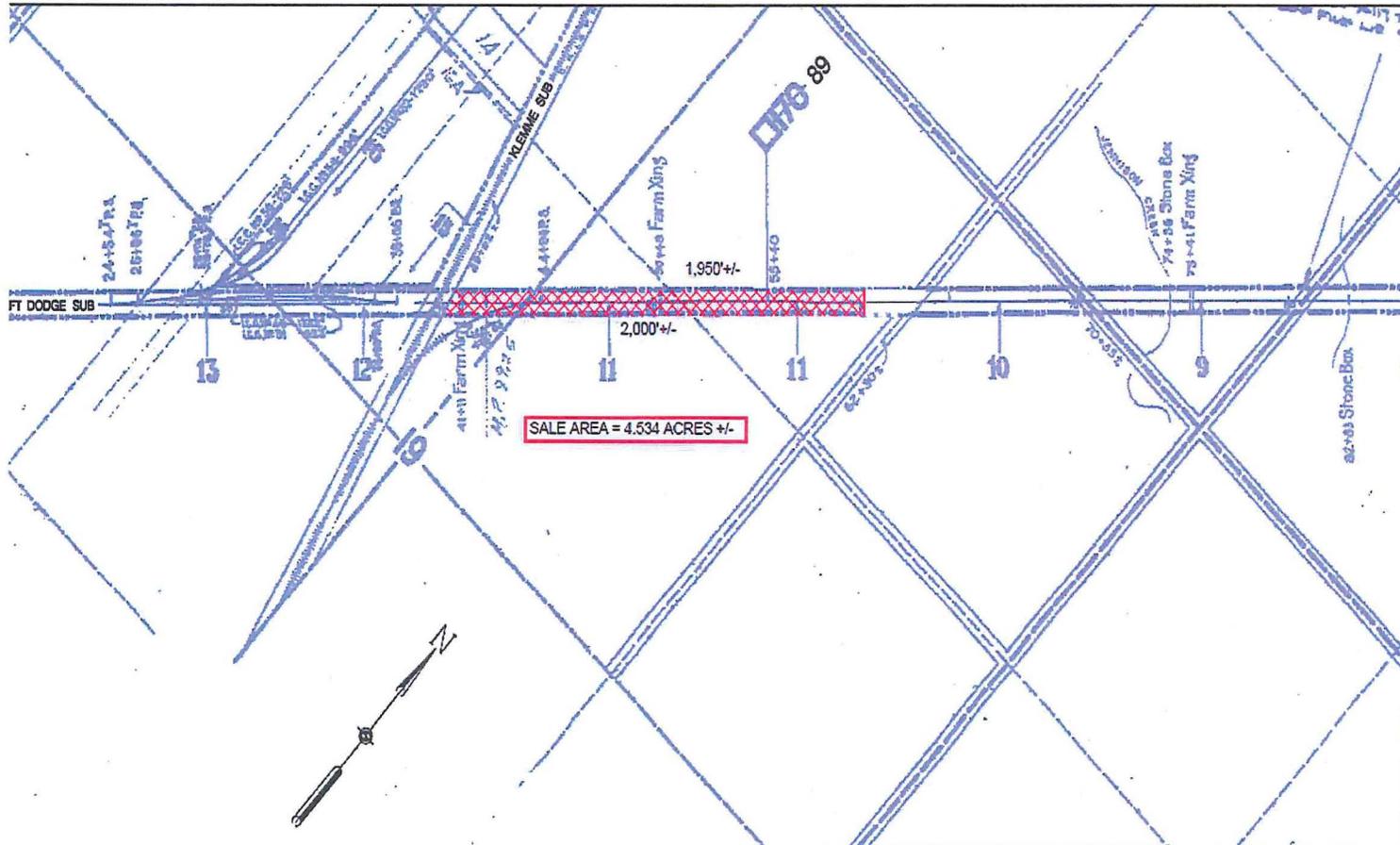
Sincerely,

IOWA NATURAL HERITAGE FOUNDATION

By: Joseph A. McMan
Title: President

Enclosure

cc:



SALE AREA = 4.534 ACRES +/-

SCALE: 1" = 400'
 LEGEND
 U.P.R.R. RIGHT OF WAY
 SALE AREA SHOWN



EXHIBIT "A"
 UNION PACIFIC RAILROAD CO.
 TO ACCOMPANY AGREEMENT WITH
 IOWA NATURAL HERITAGE FOUNDATION
 BELMONT, WRIGHT COUNTY, IA.
 M.P. 88.9-89.3+- FT DODGE BR (ABANDONED)
 CSW (MC&FD) IA V 343 / 18
 REAL ESTATE DEPARTMENT OMAHA NE.
 FILE #2576-01 DATE: 9-30-2009 T.D.A.

EXHIBIT A TO
 JOINT NOTICE

EXHIBIT B TO
JOINT NOTICE

Iowa Natural Heritage Foundation's
Statement of Willingness To Assume Financial Responsibility

Iowa Natural Heritage Foundation (the "Foundation") acquired the Line as defined below on November 25, 2015 under a Purchase and Sale Agreement between Union Pacific Railroad Company and the Foundation dated November 10, 2015.

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29 with respect to the right-of-way owned by Union Pacific Railroad Company [see Discontinuance of Service AB-33 (Sub-No. 292X)], the Foundation hereby represents to the Surface Transportation Board and Union Pacific Railroad Company that the Foundation assumes responsibility for (1) managing the right-of-way, (2) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify Union Pacific Railroad Company against any potential liability), and (3) the payment of any and all taxes that may be levied or assessed against the right of way. The right of way is known as the Fort Dodge Branch from milepost 29.52 to milepost 30.02 near Belmond in Wright County, Iowa (the "Line"). The right-of-way is part of a line of railroad proposed for abandonment by Union Pacific Railroad Company in Docket No. STB AB 33 (Sub No. 292X). A map of the property depicting the right-of-way is attached hereto as **Exhibit A** and is hereby made a part hereof.

The Foundation acknowledges that use of the right-of-way is subject to the Foundation's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Surface Transportation Board.

IOWA NATURAL HERITAGE FOUNDATION

By: Joseph A. McMan
Title: President

Agreed to and Acknowledged by Union Pacific Railroad Company this 2nd day of December, 2015.

By: McRae
Title: General Attorney