

UNION PACIFIC RAILROAD
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Mack H. Shumate, Jr.
Senior General Attorney, Law Department

September 18, 2012

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

232990
ENTERED
Office of Proceedings
September 18, 2012
Part of
Public Record

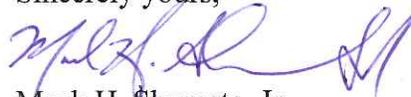
RE: Proposed Abandonment of the Ankeny Industrial Lead from Milepost 4.7 Near Des Moines to Milepost 10.5, the end of the Line at Ankeny, a total distance of 5.8 miles, in Polk County, Iowa; STB Docket No. AB-33 (Sub-No. 310X)

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") has received a request from the Iowa Natural Heritage Foundation on behalf of the Polk County Conservation Board (collectively, "Commentor") dated August 20, 2012 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 Ankeny Industrial Lead, as defined above, a distance of 5.8 miles in Polk County, Iowa.

The Union Pacific is willing to negotiate with Commentor concerning the acquisition of the subject property for trail use and supports the Commentor's request for the standard 180-day negotiation period but only with regard to that portion of the Line from Milepost 4.8 to Milepost 10.5 for a total distance of 5.7 miles. The Union Pacific has determined that the portion of the Line from Milepost 4.8 to Milepost 4.7 will be withdrawn from the proposed Abandonment. A copy of Commentor's request is attached hereto as **Exhibit A** and hereby made a part hereof.

Sincerely yours,



Mack H. Shumate, Jr.
Senior General Attorney

Attachment

cc: Iowa Natural Heritage Foundation

O:\Abandonments\33-310\2012_09_18 STB Withdrawal of Use Request.doc





505 5th Avenue, Suite 444
Des Moines, IA 50309-2321

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Exhibit A

232801

ENTERED
Office of Proceedings
August 20, 2012
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August 20, 2012

Anna K. Quinlan, Secretary
Surface Transportation Board
1925 "K" Street, NW
Washington, D.C. 20423-0001

RE: Union Pacific Railroad Company- Abandonment in Polk County, Iowa;
Docket # AB-33-310-X

Dear Mrs. Quinlan:

This comment should be treated as a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of the Polk County Conservation Board, the City of Ankeny (public agencies) and the Iowa Natural Heritage Foundation (non-profit corporation), which are parties interested in conservation and recreation, and are hereinafter referred to as "Commenter".

While not taking a position on the merits of this abandonment, Commenter requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between milepost 4.7 near Des Moines to milepost 10.5, the end of the Line at Ankeny.

A. Public Use Condition

Commenter requests the STB to 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, including tracks, ties and signal equipment, except for public use on reasonable terms. The justification for this condition is that



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the corridor is located in Central Iowa near larger communities and would make an excellent transportation and recreation trail. The conversion of the property gives much needed access under Interstate 80 on the west side of Des Moines. This trail connection would help to further complete the Central Iowa Trail System- a network of over 650 miles of trails. The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time to complete negotiations with the railroad.

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 period requested is 180 days from the effective date of the abandonment authorization in order to complete negotiations with the railroad.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking 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, Commenter 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 UPRR after transfer of the corridor to the public agencies.

The Polk County Conservation Board, the City of Ankeny and the Iowa Natural Heritage Foundation acknowledge 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.

The property extends from milepost 4.7 near Des Moines to milepost 10.5, the end of the Line at Ankeny. The right-of-way is part of a line of

railroad proposed for abandonment in STB Docket No AB 33-310-X. A map depicting the right-of-way is attached.

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 20th day of August, 2012 and via FAX number 877-213-4433.

On behalf of the Polk County Conservation Board, the City of Ankeny and the Iowa Natural Heritage Foundation, thank you for your consideration of this petition.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark C. Ackelson". The signature is fluid and cursive, with a large initial "M" and "A".

Mark C. Ackelson
President

cc: Polk County Conservation Board and the City of Ankeny

