

UNION PACIFIC RAILROAD
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606-1718

P 312.777.2055
F 877.213.4433
mackshumate@up.com

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

232654

August 6, 2012

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

ENTERED
Office of Proceedings
August 6, 2012
Part of
Public Record

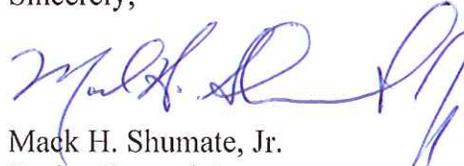
RE: Proposed Abandonment of the Ankeny Industrial Lead from Milepost 4.7 Near Des Moines to Milepost 10.5, the end of the Line at Ankeny, a total distance of 5.8 miles, in Polk County, Iowa; STB Docket No. AB-33 (Sub-No. 310X)

Dear Ms. Brown:

Pursuant to the Board's exemption procedures for discontinuance of service of rail lines with no local business for at least two (2) years, (49 C.F.R. § 1152.50), I am hereby e-filing the Verified Notice of Exemption, including a Certificate of Service and Publication.

Please file the Notice of Exemption in Docket No. AB-33 (Sub-No. 310X). Enclosed is a credit authorization voucher in the amount of \$3,600.00 for the filing fee.

Sincerely,



Mack H. Shumate, Jr.
Senior General Attorney

MHS/mml
Encl.

FEE RECEIVED
August 6, 2012
SURFACE
TRANSPORTATION BOARD

2012_08_06_ANKENY AB-33-Sub-No. 310X) Brown-Ltr-STB-NOE

FILED
August 6, 2012
SURFACE
TRANSPORTATION BOARD



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 310X)

**UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN POLK COUNTY, IOWA
(ANKENY INDUSTRIAL LEAD)**

Notice of Exemption

UNION PACIFIC RAILROAD COMPANY
Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, #1920
Chicago, Illinois 60606
312/777-2055 (Tel.)
312/777-2065 (FAX)

Dated and filed: August 6, 2012

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 310X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN POLK COUNTY, IOWA
(ANKENY INDUSTRIAL LEAD)**

Notice of Exemption

Union Pacific Railroad Company ("UP") submits this verified Notice of Exemption pursuant to 49 § C.F.R. 1152, Subpart F -- Exempt Abandonments and Discontinuances of Service and Trackage Rights for an exempt abandonment of service on the Ankeny Industrial Lead from Milepost 4.7 near Des Moines to Milepost 10.5, the end of the Line at Ankeny, for a total distance of 5.8 miles in Polk County, Iowa (the "Line").

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

The abandonment and discontinuance are proposed to be consummated on or after September 26, 2012 (at least 50 days after filing the Notice of Exemption).

Certification: 49 C.F.R. 1152.50(b)

UP certifies that no local or overhead traffic has moved over the Line for at least two years. Therefore, there is no need to reroute any traffic. UP further certifies that no formal complaint filed by a user of rail service on the Line (or filed by a state or local governmental entity acting on behalf of such user) regarding cessation of service over the Line is pending either with the Board or any U.S. District Court, or has been decided in favor of the complainant within the two-year period.

Additional Information Required: 49 C.F.R. 1152.22(a)(1)-(4), (7)-(8) and (e)(4)

(a) General.

(a)(1) The railroad's exact name is Union Pacific Railroad Company.

(a)(2) UP is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(a)(3) UP intends to abandon 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.

(a)(4) A map showing the location of the Line in relation to other rail lines, highways, and major roads in the area is attached as **Exhibit 1**.

(a)(7) The representative to whom correspondence regarding this abandonment and discontinuance should be sent is:

Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, #1920
Chicago, Illinois 60606
312/777-2055 (Tel.)
312/777-2065 (FAX)

(a)(8) ZIP Codes. The Line traverses U.S. Postal Service Zip Codes 50313, 50021 and 50023.

(e)(4) Rural and Community Impact.

The right-of-way of the Line proposed for abandonment is not suitable for public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission as this area is adequately served by existing roads and utility lines at the present time. There does appear to be local interest in use of the right of way as a public recreational trail for hiking and bicycle use.

The Line proposed for abandonment contains both fee and reversionary property. Based on UP's records, the Line does not contain any federally granted right-of-way. Any documentation in UP's possession concerning the Line will be made available to those requesting it.

After the proposed abandonment, UP will continue to provide rail service from the remaining portion of the Ankeny Industrial Lead and its other lines in the Des Moines area. Rail service at Des Moines is also available from BNSF Railway, Norfolk Southern, and Iowa Interstate. The Line lies in the north central portion of the Des Moines metropolitan area, which is well served by local roads and major highways such as Interstate 80, which crosses the Line, and Interstate 35, which runs parallel within two miles of the entire Line.

No local traffic has moved over the Line during the past two years, and there is no overhead traffic or passenger service on the Line. UP has received no request for rail service on the Line in well over two years. No complaint regarding cessation of service has been filed, is pending, or has been ruled upon in favor of a complainant during the prior two years

A map of the Line is attached as **Exhibit No. 1**.

Labor Protection

The interests of railroad employees will be protected by the conditions discussed in Oregon Short Line Railroad Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979).

Certifications

Attached as **Exhibit No. 2** is a Certificate of Service and Publication, pursuant to the notice requirements of 49 C.F.R. §§ 1152.50(d)(1), 1105.11 and 1105.12.

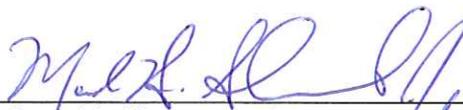
Environmental and Historic Report

A copy of the cover letter which accompanied UP's Combined Environmental and Historic Report ("CEHR"), containing the information required by 49 C.F.R. §§ 1105.7(e) and 1105.8, and delivered in accordance with 49 C.F.R. 1105.11, is attached as **Exhibit No. 3**. The EHR was electronically filed with the Office of Environmental Analysis (OEA), on July 2, 2012. The CEHR indicated that the proposed abandonment does not involve any historic properties. UP submitted historical information to the State Historic Preservation Office of the State Historical Society of Iowa (the "Office") along with an archaeological site file review conducted by the University of Iowa. After review of this information, the Office sent to UP a May 15, 2012 letter stating that the Office would be able to concur with a determination by the Board that no historical properties would be affected by the proposed action. A copy of the letter dated May 15, 2012 from the Office is attached to the CEHR as **Attachment No. 4**. On June 29, 2012, UP received a letter from the Department of the Army Corps of Engineers indicating that the proposed project does not require a Department of Army Section 404 permit. A copy of the letter dated June 29, 2012 is attached hereto as **Exhibit No. 4**.

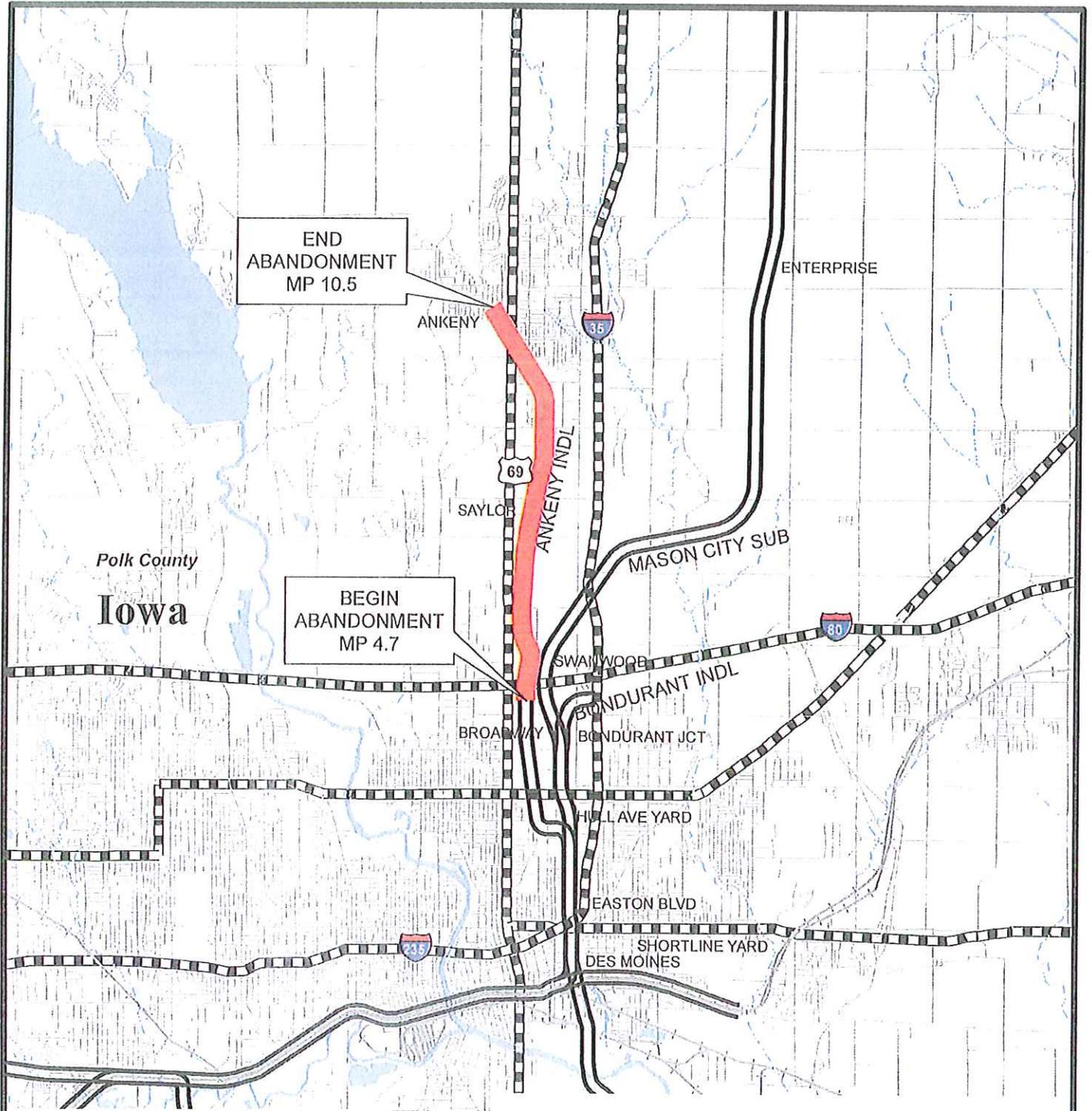
Dated this 6th day of August, 2012.

Respectfully submitted,

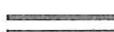
UNION PACIFIC RAILROAD COMPANY



Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, #1920
Chicago, Illinois 60606
312/777-2055 (Tel.)
312/777-2065 (FAX)



Legend

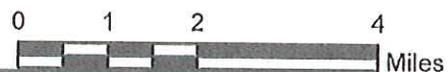
-  UPRR TO BE ABANDONED
-  OTHER UPRR LINES
-  OTHER RAILROADS
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

ANKENY INDUSTRIAL LEAD

MP 4.7 TO MP 10.5
TOTAL OF 5.8 MILES IN POLK COUNTY
IN IOWA

NOTE : THERE ARE NO 50+ YEAR OLD STRUCTURES
UNION PACIFIC RAILROAD CO.
ANKENY INDUSTRIAL LEAD
IOWA

INCLUDING 50+ YEAR OLD STRUCTURES



DOCKET NO. AB-33 (SUB-NO. 310X)

UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN POLK COUNTY, IOWA
(ANKENY INDUSTRIAL LEAD)

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) - Notice

The undersigned certifies that on JULY 20, 2012 (at least 10 days before a Notice of Exemption is filed), written notice was given of Union Pacific's intent to use the Notice of Exemption procedure to abandon the Ankeny Industrial Lead in Polk County, Iowa in Docket No. AB-33 (Sub-No. 310X). Written notice (a copy of which is attached hereto as **Attachment No. 1**) was served on the following:

Iowa Department of Management
Attn: Kathy Mabie
State Capitol Bldg., Room G12
1007 East Grand Avenue
Des Moines, IA 50319

National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

U.S. Dept. of Agriculture
Chief of the Forest Service
4th Floor, N.W. Auditors Bldg.
U.S. Department of Agriculture
14th St. & Independence Ave., SW
Washington, DC 20250

Headquarters
Military Surface Deployment & Distribution
Command
Transportation Engineering Agency
ATTN: ADTE - SA
Railroads for National Defense Program
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

49 C.F.R. § 1105.11 - Transmittal Letter for Applicant's Report

The undersigned certifies that on July 2, 2012 (at least 20 days before a Notice of Exemption is filed), a Combined Environmental and Historic Report pursuant to 49

C.F.R. §§ 1105.7 and 1105.8 was served in Docket No. AB-33 (Sub-No. 310X) for abandonment of the Ankeny Industrial Lead in Polk County, Iowa on the following:

- (1) State Clearinghouse (or alternate)
- (2) State Environmental Protection Agency
- (3) Head of each County
- (4) U.S. Environmental Protection Agency, Regional Office
- (5) U.S. Fish and Wildlife Service
- (6) U.S. Army Corps of Engineers
- (7) National Park Service
- (8) U.S. Natural Resources Conservation Service
- (9) The National Geodetic Survey
- (10) Other Agencies Consulted (As Listed)
- (11) State Historic Preservation Office

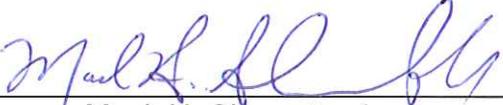
(The Certificate of Service attached to the Combined Environmental and Historic Report lists the names and addresses of the federal, state and local agencies.)

49 C.F.R. § 1105.12 - Newspaper Notice

The undersigned further certifies that a "Notice of Intent to Abandon and Discontinue Service" was published in the form prescribed by the Board for a Notice of Exemption (Copy Attached as **Attachment No. 2**). The Notice was published one time in a major newspaper in the county in which the Line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Polk	The Des Moines Register	July 28, 2012

Dated this 6th day of August, 2012.



Mack H. Shumate, Jr.

UNION PACIFIC RAILROAD
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606-1718

P 312.777.2055
F 877.213.4433
mackshumate@up.com

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

ATTACHMENT 1

July 20, 2012

Iowa Department of Management
Attn: Kathy Mabie
State Capitol Bldg., Room G12
1007 East Grand Avenue
Des Moines, IA 50319

National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

U.S. Dept. of Agriculture
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Headquarters
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Transportation Engineering Agency
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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 Sir or Madam:

Please be advised that Union Pacific Railroad Company ("UP") expects to file with the United States Surface Transportation Board ("STB"), on or after July 30, 2012, a notice of an exempt abandonment on a line of railroad known as the Ankeny Industrial Lead, located in Polk County, Iowa, extending from Milepost 4.7 near Des Moines to milepost 10.5, the end of the line at Ankeny (The "Line"), a total distance of 5.8 miles. The Line traverses U.S. Postal Service zip codes 50313, 50021, and 50023.

The "no business" exemption procedure will be used to abandon the Line, pursuant to the STB's abandonment regulations at 49 C.F.R. §1152.50. No local traffic has moved over the Line for at least two years and there is no overhead traffic on the Line. A Notice of Exemption to abandon service on the Line pursuant to 49 C.F.R. § 1152.50 (no local traffic for at least two years) will be filed with the STB on or after July 30, 2012.

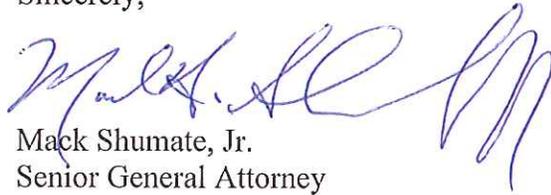
Based on information in UP's possession, the Line does not contain federally granted right-of-way. Any documentation in UP's possession will be made available promptly to those requesting it.



July 20, 2012
Page 2

A map showing the segment of Line to be abandoned is attached for your information.

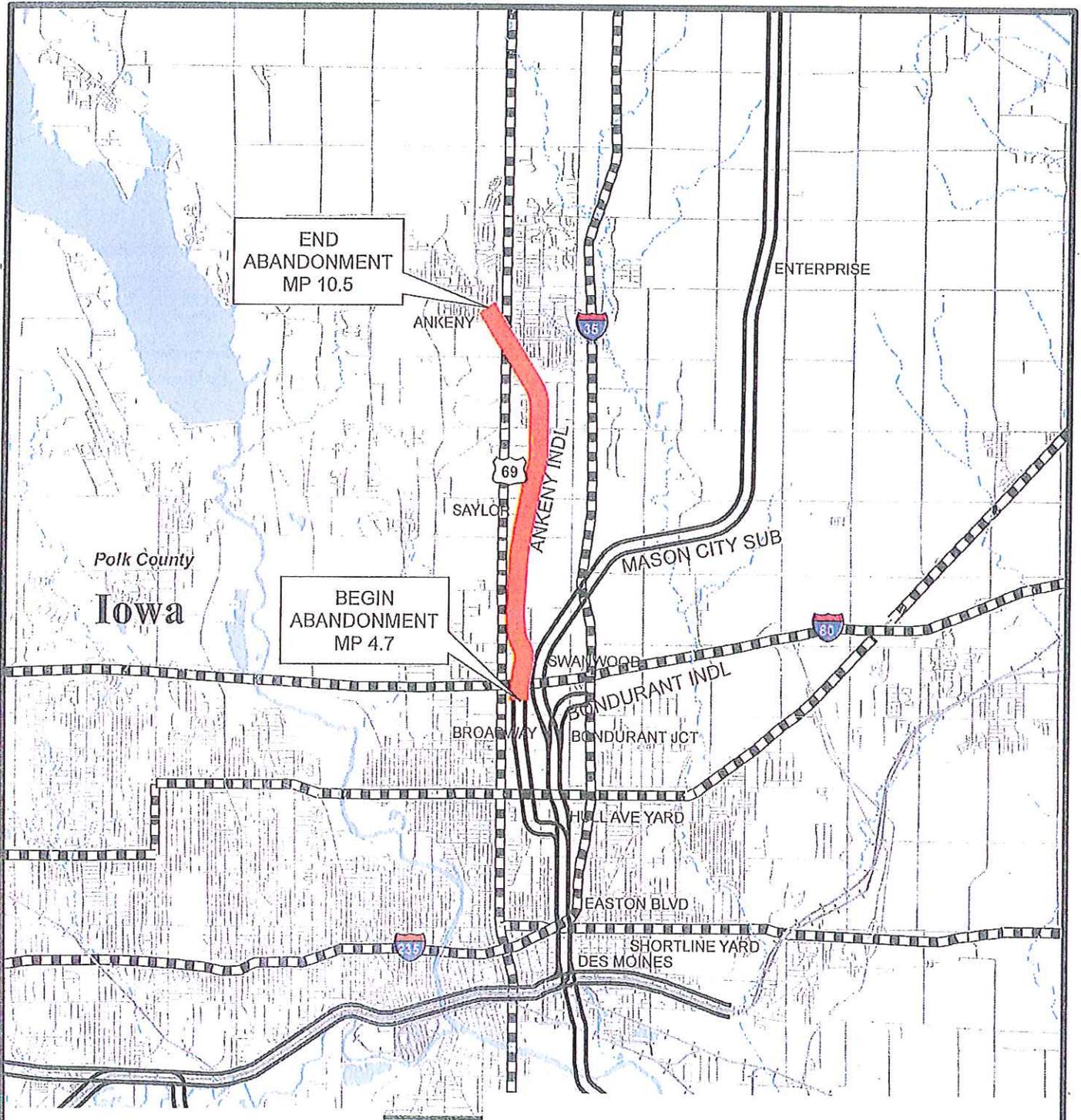
Sincerely,

A handwritten signature in blue ink, appearing to read "Mack Shumate, Jr.", written in a cursive style.

Mack Shumate, Jr.
Senior General Attorney

Attachment

2012_07_20 Ankeny Ten Day Notice.doc



Legend

- UPRR TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- PRINCIPAL HIGHWAYS
- OTHER ROADS

ANKENY INDUSTRIAL LEAD

MP 4.7 TO MP 10.5
TOTAL OF 5.8 MILES IN POLK COUNTY
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UNION PACIFIC RAILROAD CO.
ANKENY INDUSTRIAL LEAD
IOWA

INCLUDING 50+ YEAR OLD STRUCTURES





AFFIDAVIT OF PUBLICATION

COPY OF ADVERTISEMENT
Exhibit "A"

STATE OF IOWA
SS
COUNTY OF POLK

The undersigned, being first duly sworn on oath, states that The Des Moines Register and Tribune Company, a corporation duly organized and existing under the laws of the State of Iowa, with its principal place of business in Des Moines, Iowa, the publisher of

THE DES MOINES REGISTER

newspapers of general circulation printed and published in the City of Des Moines, Polk County, Iowa, and that an advertisement, a printed copy of which is attached as Exhibit "A" and made a part of this affidavit, was printed and published in The Des Moines Register on the following dates

July 28, 2012

Mason Walsh
Legals Clerk

Subscribed and sworn to before me by said affiant this 30 day of July 2012

Susan Hazelton
Notary Public in and for Polk County, Iowa



UNION PACIFIC RAILROAD
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606-1718

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

P 312.777.2055
F 877.213.4433
mackshumate@up.com

July 2, 2012

VIA E-FILE

TO: SEE ATTACHED SERVICE LIST

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)

To whom it may concern:

On or after July 23, 2012, Union Pacific Railroad Company (“UP”) expects to be filing with the Surface Transportation Board (“STB” or “Board”) a Notice of Exemption seeking authority to abandon the Line from Milepost 4.7 near Des Moines to Milepost 10.5, the end of the Line at Ankeny, a distance of 5.8 miles, located in Polk County, Iowa (collectively the “Line”). Attached is a Combined Environmental and Historic Report which describes the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

Union Pacific is providing this report so that you may review the information that will form the basis for the STB’s independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board’s environmental review process, please contact the Section of Environmental Analysis (SEA) at the following address, and refer to the above-referenced Docket Number:

Surface Transportation Board
Section of Environmental Analysis (SEA)
395 East Street, S.W., Room #100
Washington, DC 20423-0001
Telephone No.: (202) 927-6211

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within three (3) weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning



July 2, 2012
Page 2

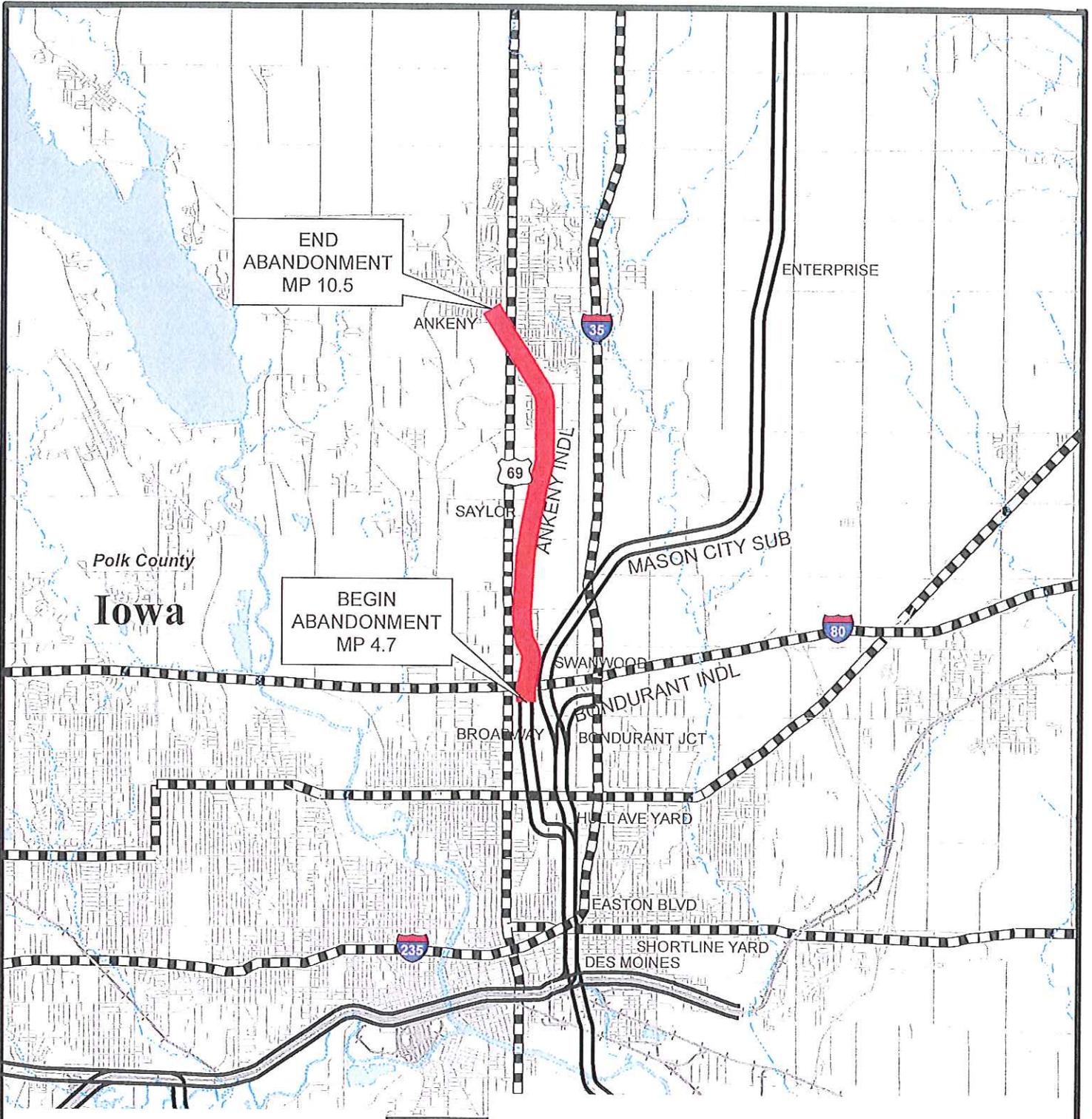
this proposal, please contact our representative directly. UP's representative in this matter is Mack H. Shumate, Jr., who may be contacted by telephone at (312) 777-2055 or by mail at 101 North Wacker Drive, Room 1920, Chicago, IL 60606.

Yours very truly,

A handwritten signature in black ink that reads "Mack H. Shumate, Jr." in a cursive style.

Mack H. Shumate, Jr.
Senior General Attorney

Attachment



Legend

-  UPRR TO BE ABANDONED
-  OTHER UPRR LINES
-  OTHER RAILROADS
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

ANKENY INDUSTRIAL LEAD

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UNION PACIFIC RAILROAD CO.
ANKENY INDUSTRIAL LEAD
IOWA

INCLUDING 50+ YEAR OLD STRUCTURES



Docket No. AB-33 (Sub-No. 310X)

SERVICE LIST

State Clearinghouse (or alternate):

Iowa Department of Management
State Capitol Building Room G12
1007 E Grand Avenue
Des Moines, IA 50319

Division for Community Progress
Iowa Department of Economic
Development
200 East Grand Avenue
Des Moines, IA 50309

State Environmental Protection

Agency:

State Environmental Protection Agency
210 Walnut St # 827
Des Moines, IA 50309-2105

Head of each County:

Polk County Board of Supervisors
111 Court Ave., #300
Des Moines, IA 50309-2214

Environmental Protection Agency

(Regional Office):

U.S. Environmental Protection Agency
Region 7
901 N. 5th St.
Kansas City, KS 66101

State Historic Preservation Office:

State Historic Society of Iowa
Community Programs Bureau
600 East Locust
Des Moines, IA 50319-0290

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 3
One Federal Drive
Federal Building
Fort Snelling, MN 55111

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
Rock Island District
Clock Tower Building
P.O. Box 2004
Rock Island, IL 61204-2004

National Park Service:

Planning and Compliance Office
National Park Service
Midwest Region
601 Riverfront Dr.
Omaha, NE 68102-4226

U.S. Natural Resources Conservation

Service:

Natural Resource Conservation Service
State Conservationist National
Resources Service
1918 Greene St., #2
Adel, IA 50003-1609

National Geodetic Survey:

National Geodetic Survey
Geodetic System Division
SSMC-3 #9209
NOAA/NGS 2
1315 E-W Highway
Silver Spring, MD 20910-3282





REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, ROCK ISLAND DISTRICT
PO BOX 2004 CLOCK TOWER BUILDING
ROCK ISLAND, ILLINOIS 61204-2004

June 29, 2012

Operations Division

CEMVR-OD-P-2012-949

Raymond Allamong
Union Pacific Railroad
1400 Douglas Street, Stop 1350
Omaha, Nebraska 68179

Dear Mr. Allamong:

Our office reviewed the letter received, June 27, 2012, concerning the proposed abandonment of 5.8 miles of Union Pacific Railroad-Ankeny Industrial Lead from just south of I-80 near Des Moines, IA (MP 4.7) to Walnut Street in Ankeny, IA (MP 10.5) in Sections 13, 12, & 1, Township 79 North, Range 24 West and Sections 36, 25, 24 & 23, Township 80 North, Range 24 West, Polk County in Iowa.

We determined the project as proposed does not require a Department of the Army (DA) Section 404 permit. The decision regarding this action is based on information found in the administrative record which documents the District's decision-making process, the basis for the decision, and the final decision. No indication of discharge of dredged or fill material was found to occur in waters of the United States (including wetlands). Therefore, this determination resulted.

Special Conditions:

- 1.) The railway crosses the northwest portion of unnamed tributary/lake of Fourmile Creek east of NE 16th Ct and north of SE 54th St in Carney, IA located in Sections 1, Township 79 North, Range 24 West and also in Section 36, Township 79 North, Range 24 West. Per your application, only the railway tracks and ties themselves will be removed and the embankment(s) will be left intact. Removal of the tracks and ties will not include discharge into this tributary/lake and the tracks will be disposed of in an upland, non-potential wetland, location. If these plans change notify the U.S. Army Corps of Engineers immediately as you will need to reapply for a Nationwide Permit.

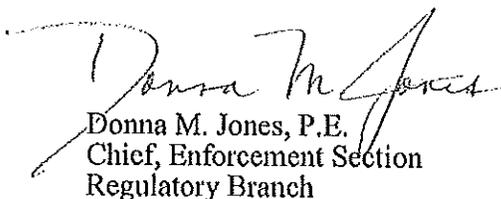
You are advised that this determination for the project is valid for five years from the date of this letter. If the project is not completed within this five-year period or your project plans change, you should contact our office for another determination.

Although a DA permit will not be required for the project, this does not eliminate the requirement that you must still acquire other applicable Federal, state, and local permits.

The Rock Island District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete the attached postcard and return it or go to our Customer Service Survey found on our web site at <http://per2.nwp.usace.army.mil/survey.html>. (Be sure to select "Rock Island District" under the area entitled: Which Corps office did you deal with?)

Should you have any questions, please contact our Regulatory Branch by letter, or telephone Mrs. Kirsten Brown at 309/794-5104.

Sincerely,



Donna M. Jones, P.E.
Chief, Enforcement Section
Regulatory Branch

Enclosures

Copies Furnished: (w/o enclosures)

Ms. Christine Schwake (3)
Iowa Department of Natural Resources
Water Resources Section
Wallace State Office Building
502 East 9th Street
Des Moines, Iowa 50319-0034

