

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

October 22, 2013

234990
ENTERED
Office of Proceedings
October 22, 2013
Part of
Public Record

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

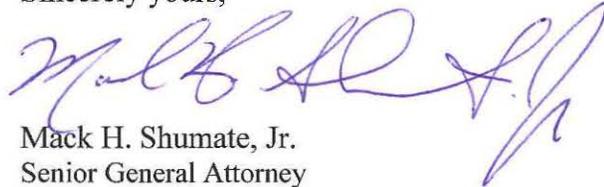
RE: Proposed Abandonment of the Bristow Subdivision from Milepost 318.07 to Milepost 318.66 near Hampton, a total distance of 0.59 miles, Franklin County, Iowa; STB Docket No. AB-33 (Sub-No. 316X)

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. 316X). Enclosed is credit authorization voucher in the amount of \$3,900.00 for the filing fee.

Sincerely yours,



Mack H. Shumate, Jr.
Senior General Attorney

MHS/ev
Enclosure

FEE RECEIVED
October 22, 2013
SURFACE
TRANSPORTATION BOARD

FILED
October 22, 2013
SURFACE
TRANSPORTATION BOARD



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**Docket No. AB-33 (Sub-No. 316X)
UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN FRANKLIN COUNTY, IOWA
(BRISTOW SUBDIVISION)**

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: October 22, 2013

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**Docket No. AB-33 (Sub-No. 316X)
UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN FRANKLIN COUNTY, IOWA
(BRISTOW SUBDIVISION)**

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 Bristow Subdivision from Milepost 318.07 to Milepost 318.66 near Hampton, for a total distance of 0.59 miles in Franklin 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 December 11, 2013 (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 Bristow Subdivision from Milepost 318.07 to Milepost 318.66 near Hampton, a total distance of 0.59 miles in Franklin 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 Code 50441.

(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. The property may be suitable for conservation as a hike/bike trail in that the property could be connected to an existing trail.

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

After the proposed abandonment, the Hampton area would continue to receive rail service from the Mason City Subdivision of UP. Hampton lies at the intersection of U.S. Route 65 and Iowa Route 3, the latter providing access to Interstate 35 approximately ten miles to the west.

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 hereto 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

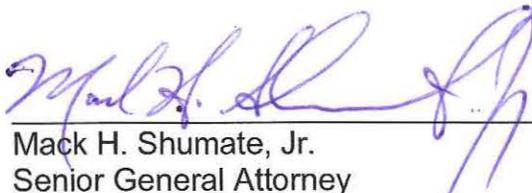
A copy of the cover letter which accompanied UP's Combined Environmental and Historic Report ("CEHR"), containing the information required by 49 C.F.R. §§ 1105.7(e) and 1105.8, and delivered in accordance with 49 C.F.R. 1105.11, is attached as **Exhibit No. 3**. The EHR was electronically filed with the Office of Environmental Analysis

(OEA), on July 24, 2012. The CEHR indicates 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 state archaeologist. After review of this information, the Office sent to UP a June 11, 2013 letter stating that in the Office's opinion the Line does not meet any of the eligibility criteria for listing on the National Register. The letter goes on to state that there appears to be little likelihood that the proposed action will encounter or adversely impact archaeological properties that may be eligible for listing. A copy of the letter dated June 11, 2013 from the Office is attached to the CEHR as Attachment No. 6 thereto.

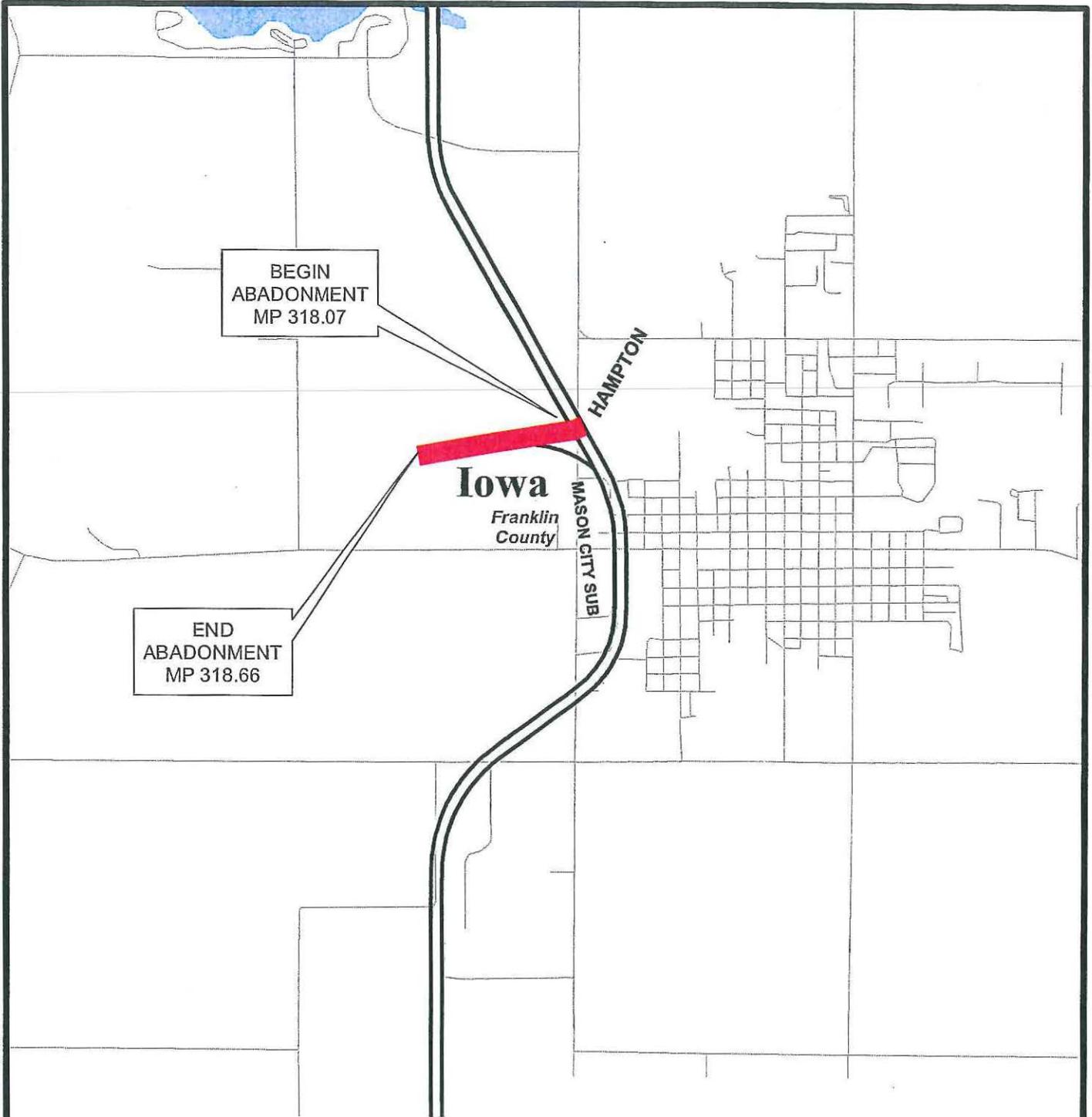
Dated this 22nd day of October, 2013.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

A handwritten signature in blue ink, appearing to read "Mack H. Shumate, Jr.", is written over a horizontal line.

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



Legend

-  CONNECTION TRACK
-  UPRR TO BE ABANDONED
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

BRISTOW SUBDIVISION

UNION PACIFIC RAILROAD CO.
 MP 318.07 TO MP 318.66
 TOTAL OF 0.59 MILES IN FRANKLIN COUNTY
 IN IOWA

**UNION PACIFIC RAILROAD CO.
 BRISTOW SUBDIVISION
 IOWA**

NOTE : THERE ARE NO 50+ YEAR OLD STRUCTURES



DOCKET NO. AB – 33 (SUB-NO. 316X)

UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN FRANKLIN COUNTY, IOWA
(BRISTOW SUBDIVISION)

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) – Notice

The undersigned certifies that on September 3, 2013 (at least 10 days before a Notice of Exemption is filed), written notice was given by Union Pacific stating Union Pacific's intent to use the Notice of Exemption procedure to abandon the Bristow Subdivision in Franklin County, Iowa in Docket No. AB-33 (Sub-No. 316X). Said 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 G 12
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 24, 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. 316X) for abandonment of the Bristow Subdivision in Franklin 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

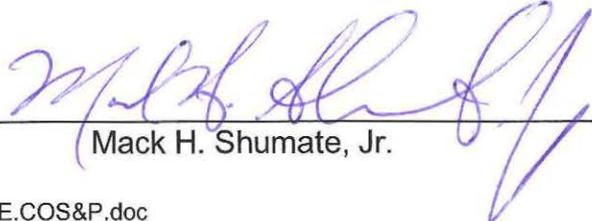
(This Certificate of Service attached to Combined Environmental Historic Reports lists the names and addresses of the federal, state and local agencies.)

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>
Franklin	Hampton Chronicle	September 11, 2013

Dated this 22nd day of October, 2013


Mack H. Shumate, Jr.

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

September 3, 2013

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

RE: Proposed Abandonment of the Bristow Subdivision from Milepost 318.07 to Milepost 318.66 near Hampton, a Total distance of 0.59 Miles, in Franklin County, Iowa; STB Docket No. AB-33 (Sub-No. 316X)

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 September 13, 2013, a notice of an exempt abandonment on a line of railroad known as the Bristow Subdivision, located in Franklin County, Iowa, extending from Milepost 318.07 to milepost 318.66, (The "Line"), a total distance of 0.59 miles. The Line traverses U.S. Postal Service zip code 50441.

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 September 13, 2013.

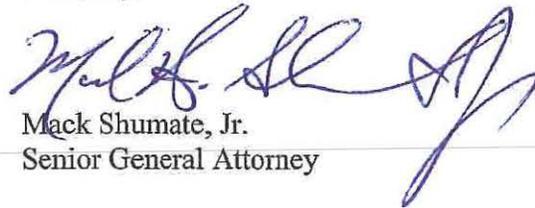
Based on information in UP's possession, the Line does not contain federally granted right-of-way. Any documentation in UP's possession with regard to the Line will be made available promptly to those requesting it.



September 3, 2013
Page 2

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

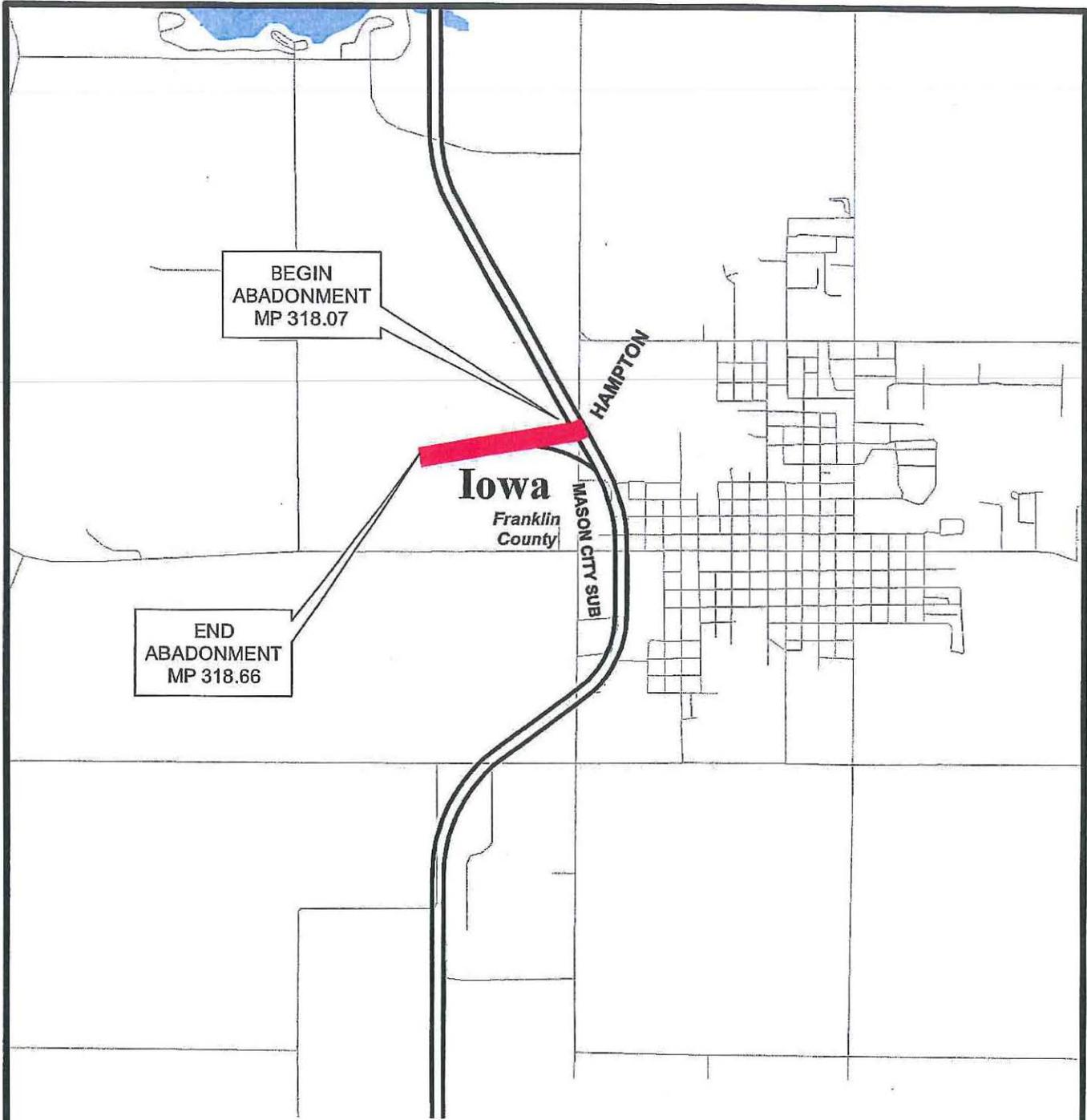
Sincerely,



Mack Shumate, Jr.
Senior General Attorney

Attachment

2013_09_03 Bristow Ten Day Notice.doc



BEGIN
ABADONMENT
MP 318.07

END
ABADONMENT
MP 318.66

Iowa
Franklin
County

HAMPTON

MASON CITY SUB

Legend

- CONNECTION TRACK
- █ UPRR TO BE ABANDONED
- ▬ PRINCIPAL HIGHWAYS
- OTHER ROADS

BRISTOW SUBDIVISION

UNION PACIFIC RAILROAD CO.
MP 318.07 TO MP 318.66
TOTAL OF 0.59 MILES IN FRANKLIN COUNTY
IN IOWA

**UNION PACIFIC RAILROAD CO.
BRISTOW SUBDIVISION
IOWA**

NOTE : THERE ARE NO 50+ YEAR OLD STRUCTURES



Q:\abandonments\lab33_316x_Bristow_sub.mxd

PUBLIC NOTICE Union Pacific Railroad

NOTICE OF INTENT TO ABANDON AND DISCONTINUE SERVICE
UNION PACIFIC RAILROAD COMPANY ("UP") gives notice that on or after September 13, 2013 it intends to file with the Surface Transportation Board, Washington, D.C. 20423, a Notice of Exemption under 49 C.F.R. Part 1152, Subpart F—Exempt Abandonments permitting the abandonment of a 0.59 mile line of railroad, known as the Bristow Subdivision, located in Franklin County, Iowa, extending from Milepost 318.07 to Milepost 318.66 near Hampton. The Line traverses U. S. Postal Service Zip Code 50441. The proceeding has been docketed as No. AB-33 (Sub-No. 316X).

The Board's Section of Environmental Analysis ("SEA") will generally prepare an Environmental Assessment ("EA"), which will normally be available 25 days after the filing of the Notice of Exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental

Analysis (SEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 395 E Street, SW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on the applicant's representative. [See 49 CFR 1104.12(a).] Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at (866) 254-1792. Copies of any comments or requests for conditions should be served on UP's: Mack H. Shumate, Jr., Senior General Attorney, 101 North Wacker Drive, #1920, Chicago, Illinois 60606, (312) 777-2055.

UNION PACIFIC RAILROAD COMPANY

ATTACHMENT 2

PROOF OF PUBLICATION

STATE OF IOWA }
Franklin County } ss.

I, the undersigned, being duly sworn, depose and say, that I am Ryan Harvey, President of the Hampton Chronicle, a weekly newspaper printed in the English language, published at Hampton in Franklin County,

State of Iowa, and that the annexed _____

Notice of Intent - Bristow + Map

notice was published in said paper once each week for

1 consecutive weeks, the first publication thereof was on the 11th day of September, 2013

the second on the _____ day of _____, 20____,

the third on the _____ day of _____, 20____,

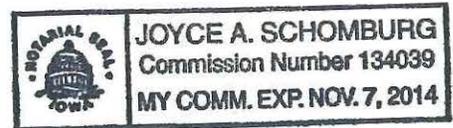
the fourth on the _____ day of _____, 20____,

[Signature]

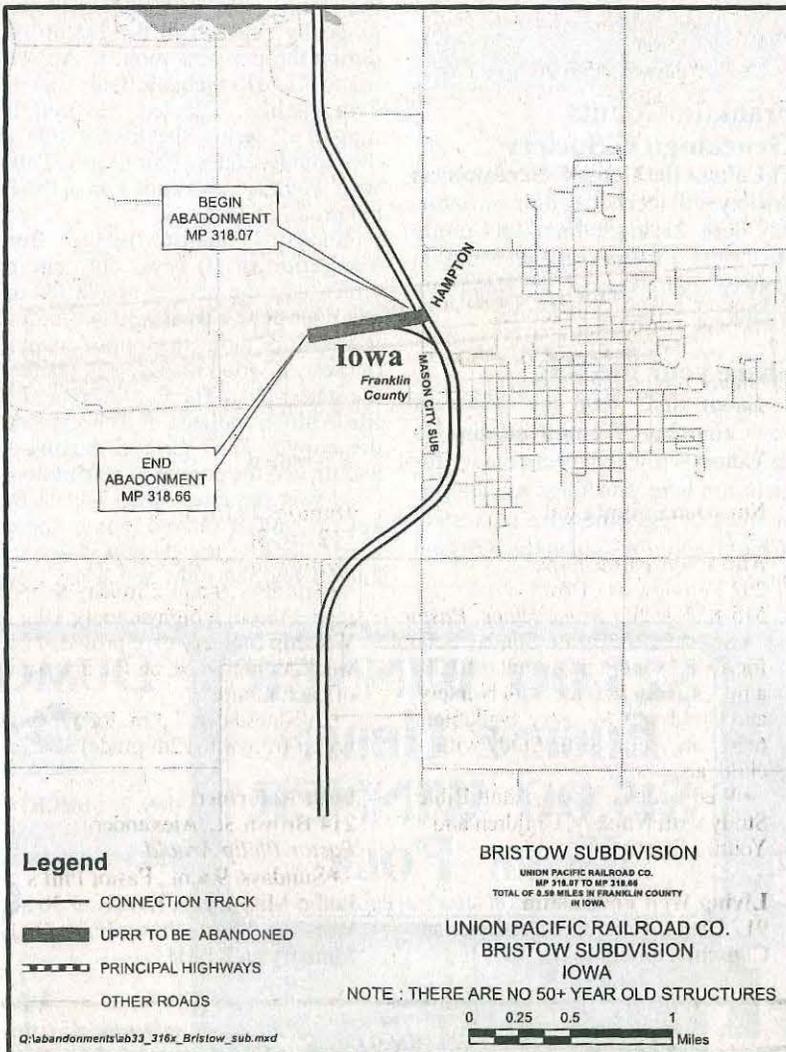
Ryan Harvey, President

Subscribed and sworn to before me and in my presence the 11th day of September, 2013

Joyce A. Schomburg
Notary Public; In and for the State of Iowa



Printer's Fees, \$ 98 ⁸²



Published in the Hampton Chronicle on September 11, 2013.

EXHIBIT 3

July 24, 2012

VIA E-FILE

TO: SEE ATTACHED SERVICE LIST

RE: Proposed Abandonment of the Bristow Subdivision from Milepost 318.07 to Milepost 318.66, a Total Distance of 0.59 Miles near Hampton, Franklin County, Iowa; STB Docket No. AB-33 (Sub-No. 316X)

To whom it may concern:

On or after August 13, 2013, 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 318.07 to Milepost 318.66, a distance of 0.59 miles, located in Franklin 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 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, reading "Mack H. Shumate, Jr." in a cursive style.

Mack H. Shumate, Jr.
Senior General Attorney

Attachment

AB-33 (Sub-No. 316X) 2013_07_24 STB-EHR Agency Ltr.doc

SERVICE LIST

State Clearinghouse (or alternate):

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

State Environmental Protection Agency:

Iowa Department of Natural Resources
Field Services and Compliance Bureau
Wallace State Office Building
502 East 9th Street
Des Moines, IA 50319

**Environmental Protection Agency
(Regional Office):**

U.S. Environmental Protection Agency
Region 7
11201 Renner Boulevard
Lenexa, KS 66101

Iowa State Historic Preservation Office:

Iowa State Historic Preservation Office
600 East Locust Street, Room 232
Des Moines, Iowa 50319

U.S. Fish and Wildlife Service:

Rock Island Illinois Field Office
1511 47th Avenue
Moline, Illinois 61265

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
Rock Island District
P.O. Box 2001
Rock Island, Illinois 61204

National Park Service (Regional Office)

Mr. Michael Reynolds, Regional Director
National Park Service – Midwest Region
601 Riverfront Drive
Omaha, NE 68102

**U.S. Natural Resources Conservation
Service:**

U.S. Natural Resources Conservation
Service
Hampton Service Center
1019 Fourth Street SE
Hampton, Iowa 50441

National Geodetic Survey:

Geodetic Services Division
SMCC-3 #9209
NOAA N/NGS2
1315 E-W Highway
Silver Spring, Maryland 20910

Head of Franklin County, Iowa

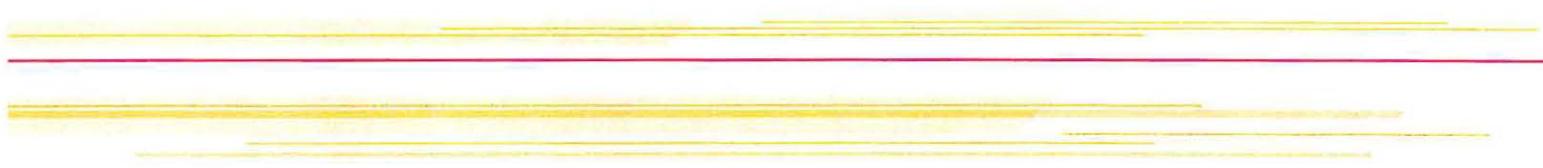
Franklin County Board of Supervisors
County Courthouse
P.O. Box 26
Hampton, IA 50441

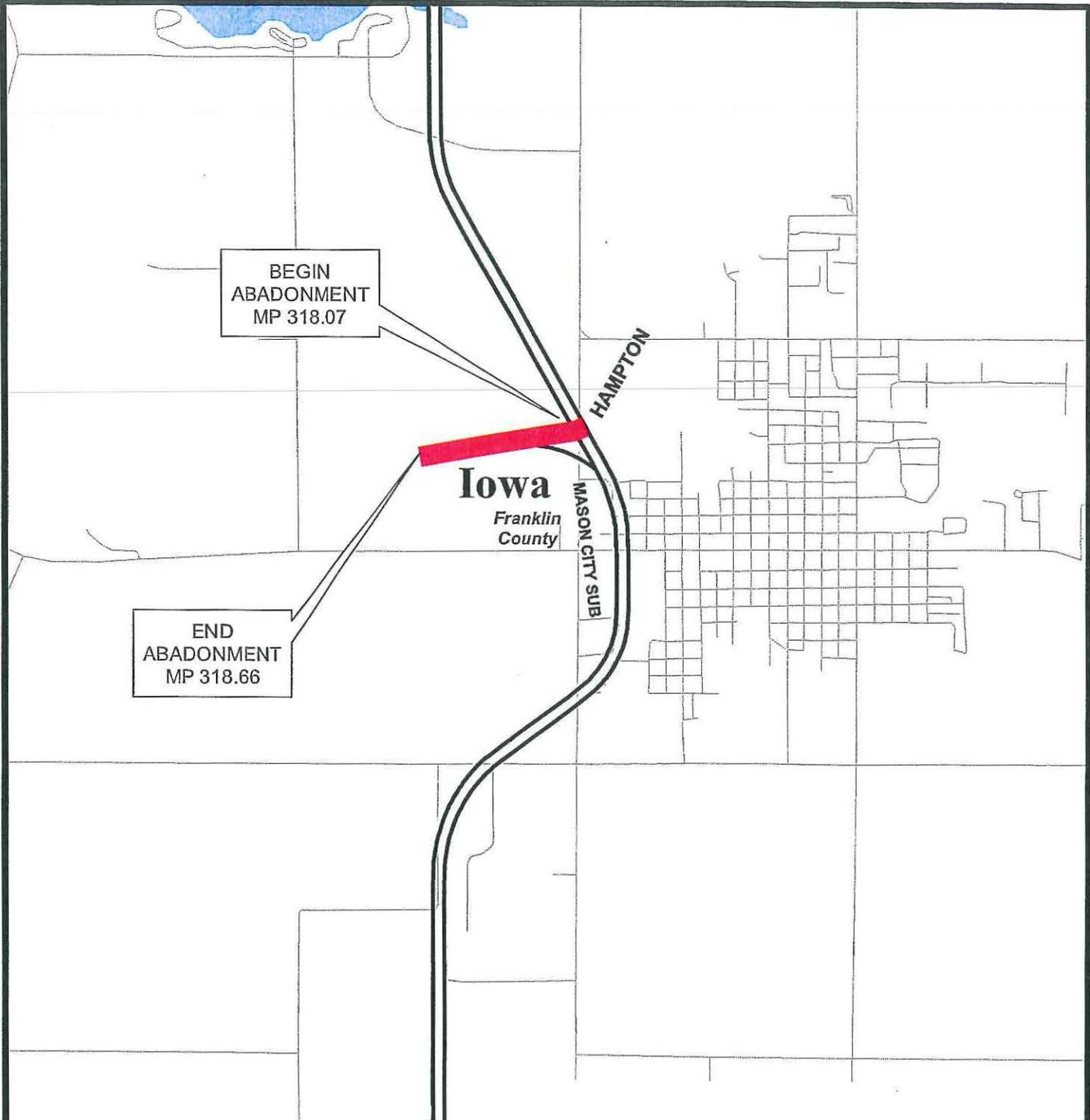
Dated this 24th day of July, 2013.


Mack H. Shumate, Jr.

AB-33 (Sub-No. 316X)\Service List.doc

bcc: Ray Allamong
Daniel Hartmann
Lynda Prucha
Colleen Graham
Alissa Hackle
Michael Drelicharz
Jason Hormann
Darin Bair
Marcia Bovenzo
Rick Harris





Legend

-  CONNECTION TRACK
-  UPRR TO BE ABANDONED
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

BRISTOW SUBDIVISION

UNION PACIFIC RAILROAD CO.
 MP 318.07 TO MP 318.66
 TOTAL OF 0.59 MILES IN FRANKLIN COUNTY
 IN IOWA

**UNION PACIFIC RAILROAD CO.
 BRISTOW SUBDIVISION
 IOWA**

NOTE : THERE ARE NO 50+ YEAR OLD STRUCTURES



