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Senior General Attorney, Law Department

March 5, 2014

235562
ENTERED
Office of Proceedings
March 5, 2014
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

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

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)

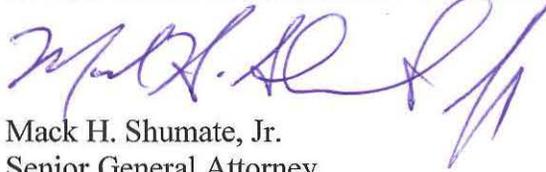
Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") and Iowa Natural Heritage Foundation ("Iowa Natural") have entered into a trail use / rail banking agreement (the "Trail Use Agreement") covering the rail line from milepost 4.7 near Des Moines, Iowa to milepost 10.5 the end of the Line at Ankeny, Iowa, on the Ankeny Industrial Lead for a total distance of 5.8 miles (collectively, the "Line"). Attached to this Joint Notice as **Exhibit A** and hereby 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) the Union Pacific hereby confirms the notice to the Board dated January 8, 2014 from the Iowa Natural Heritage Foundation that a Trail Use Agreement was completed, see **Exhibit C**, and that the Trail Use Agreement includes provisions requiring the trail sponsor, the Iowa Natural Heritage Foundation, to fulfill the responsibilities described at 49 C.F.R. 1152.29(a) (3). A copy of the Iowa Natural Heritage Foundation's said Statement of Willingness to Assume Financial Responsibility as filed with the Board on August 20, 2012 is attached hereto as **Exhibit B** and is hereby made a part hereof.



Sincerely,

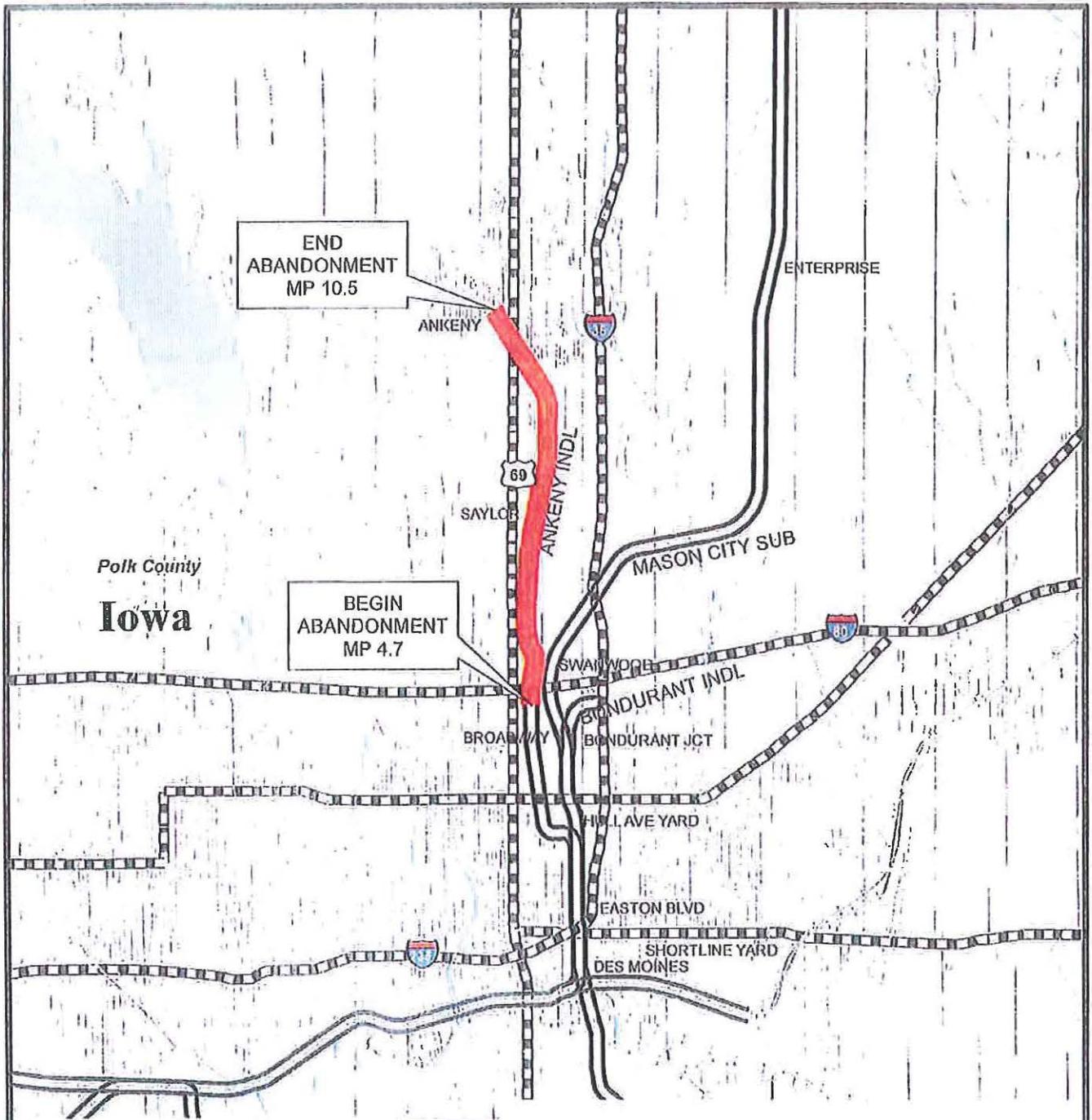
UNION PACIFIC RAILROAD COMPANY

A handwritten signature in blue ink, appearing to read "Mack H. Shumate, Jr.", is written over the typed name.

Mack H. Shumate, Jr.
Senior General Attorney

Enclosure

cc: Iowa Natural Heritage Foundation
Olin Dirks
Lynda Prucha
Kristen Nelson
Michael Drelicharz
Darin Bair
Marcia Bovenzo
Rick Harris



Polk County
Iowa

END
ABANDONMENT
MP 10.5

BEGIN
ABANDONMENT
MP 4.7

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





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EXHIBIT B

232801

ENTERED
Office of Proceedings
August 20, 2012
Part of
Public Record

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



FILING FEE WAIVED

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,



Mark C. Ackelson
President

cc: Polk County Conservation Board and the City of Ankeny

235278

January 8, 2014

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 "E" Street, SW
Washington, D.C. 20024

ENTERED
Office of Proceedings
January 10, 2014
Part of
Public Record

BEFORE THE SURFACE TRANSPORTATION BOARD

RE: Union Pacific Railroad Company STB Docket No. AB-33-310-X

Interim Trail Use/Railbanking Agreement completed

On behalf of the City of Ankeny and Polk County Conservation Board (public agencies) the Iowa Natural Heritage Foundation hereby notifies the Surface Transportation Board (STB or Board) that an agreement and sale has occurred for the above referenced corridor. The Iowa Natural Heritage Foundation and the City of Ankeny and Polk County Conservation Board have completed the negotiations and purchase with the Union Pacific Railroad (UPRR) to preserve this corridor for interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. 1247 (d).

Respectfully Submitted,



Anita O'Gara, Vice President
cc: Polk County Conservation, City of Ankeny, UPRR