

239723

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

P 312.777.2055
F 877.213.4433
mackshumate@up.com

ENTERED
Office of Proceedings
December 15, 2015
Part of
Public Record

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

December 15, 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

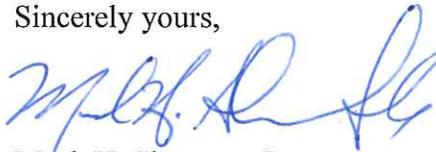
RE: Proposed Abandonment of the Former Texas Central Railroad from Milepost 2.31 to Milepost 4.76, a total distance of 2.45 miles near Waco, McLennan County, Texas; STB Docket No. AB-33 (Sub No. 318X)

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. 318X). 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
December 15, 2015
SURFACE
TRANSPORTATION BOARD

FILED
December 15, 2015
SURFACE
TRANSPORTATION BOARD



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**DOCKET NO. AB-33 (Sub-No. 318X)
UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION—
IN MCLENNAN COUNTY, TEXAS
(FORMER TEXAS CENTRAL RAILROAD N/K/A TEXAS CENTRAL 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: December 15, 2015

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**DOCKET NO. AB-33 (Sub-No. 318X)
UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN MCLENNAN COUNTY, TEXAS
(FORMER TEXAS CENTRAL RAILROAD N/K/A TEXAS CENTRAL 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 a remaining portion of the Former Texas Central Railroad ("TCR") and now known as the UP's Texas Central Lead from Milepost 2.31 to Milepost 4.76 near Waco, for a total distance of 2.45 miles in McLennan County, Texas (the "Line").¹

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

The abandonment and discontinuance are proposed to be consummated on or after February 3, 2016 (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

¹ The TCR was acquired by the Missouri-Kansas-Texas Railroad (MKT) by merger. UP is the successor in interest by merger to the MKT and UP is the owner and operator of the Line.

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 Texas Central Lead from Milepost 2.31 to Milepost 4.76 near Waco, a total distance of 2.45 miles in McLennan County, Texas.

(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 No. 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 76704 and 76705.

(e)(4) Rural and Community Impact.

It is UP's intention to salvage the limited amount of track material on the Line and transfer the right of way to the City of Waco, Texas for a utility corridor and possibly for trail use. The right-of-way of the Line proposed for abandonment is not suitable for other public purposes, including roads or highways, other forms of mass transportation,

conservation, as this area is adequately served by existing roads at the present time. The property may be suitable for conservation as a hike/bike trail.

The Line proposed for abandonment is approximately sixty percent (60%) non-reversionary property and approximately forty percent (40%) 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 Waco area will continue to receive rail service from UP via a remaining fragment of the Former TCR to the north of the Line as well as from the UP's Ft. Worth and Waco Subdivisions. Waco is also served by BNSF. Waco is well served by major highways such as Interstate Route 35 and U.S. Route 84 and by numerous local roads.

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.

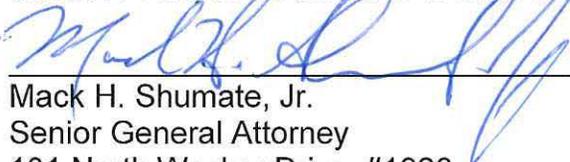
Environmental and Historic Report

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 August 6, 2014. The CEHR indicates that the proposed abandonment does not involve any historic properties. UP submitted historical information to the State of Texas Historic Preservation Office (the "Office"). After review of this information, the Office sent to UP a letter dated August 19, 2014 stating that it had reviewed the map and area to be abandoned and that no historic properties were affected and the project may proceed. A copy of the letter dated August 19, 2014 from the Office is attached hereto as Exhibit No. 4. In addition, the U.S. Army Corps of Engineers by letter dated November 22, 2013 found that the project will not involve activities subject to the requirements of Section 404 or Section 10 of the Rivers and Harbors Act of 1899. A copy of said letter is attached hereto as Exhibit No. 5.

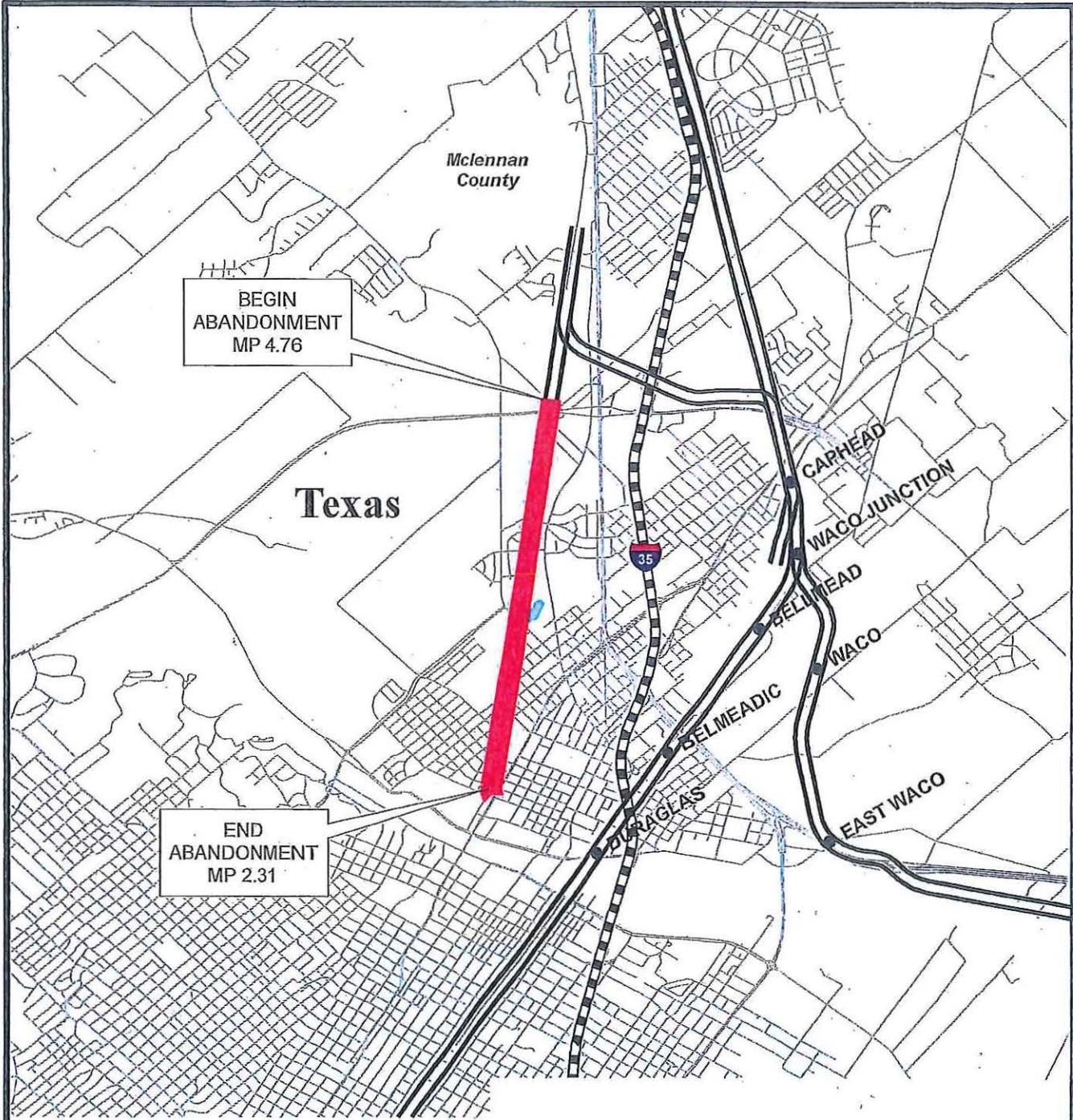
Dated this 15th day of December, 2015.

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)



BEGIN
ABANDONMENT
MP 4.76

END
ABANDONMENT
MP 2.31

Legend

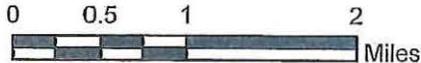
-  Former Texas Central Railroad
-  OTHER UPRR LINES
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

FORMER TEXAS CENTRAL RAILROAD

UNION PACIFIC RAILROAD CO.
MP 2.31 TO MP 4.76
TOTAL OF 2.45 MILES IN McLENNAN COUNTY
IN TEXAS

**UNION PACIFIC RAILROAD CO.
FORMER TEXAS CENTRAL RAILROAD
TEXAS**

NOTE : THERE ARE NO 50+ YEAR OLD STRUCTURES



DOCKET NO. AB-33 (Sub-No. 318X)
UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN MCLENNAN COUNTY, TEXAS
(FORMER TEXAS CENTRAL RAILROAD N/K/A TEXAS CENTRAL LEAD)

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) – Notice

The undersigned certifies that on December 3, 2015 (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 Texas Central Lead in McLennan County, Texas in Docket No. AB-33 (Sub-No. 318X). Said written notice (a copy of which is attached hereto as **Attachment No. 1**) was served on the following:

Denise S. Francis
Governor's Office of Budget and Planning
P.O. Box 12428
Austin, TX 78711

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

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

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 August 6, 2014 (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. 318X) for abandonment of the Texas Central Lead in McLennan County, Texas 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 Historic Report lists the names and addresses of the federal, state and local agencies served.)

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>
McLennan	Waco Tribune-Herald	December 9, 2015

Dated this 15th day of December, 2015



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

December 3, 2015

Denise S. Francis
Governor's Office of Budget and Planning
P.O. Box 12428
Austin, TX 78711

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 Former Texas Central Railroad from
Milepost 2.31 to Milepost 4.76, a total distance of 2.45 miles near Waco,
McLennan County, Texas; STB Docket No. AB-33 (Sub-No. 318X)**

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 December 13, 2015, a notice of an exempt abandonment on a line of railroad known as the Former Texas Central Railroad, located near Waco, McLennan County, Texas, extending from Milepost 2.31 to Milepost 4.76, a total distance of 2.45 miles (the "Line"). The Line traverses U.S. Postal Service zip codes 76704 and 76705.

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 December 13, 2015.

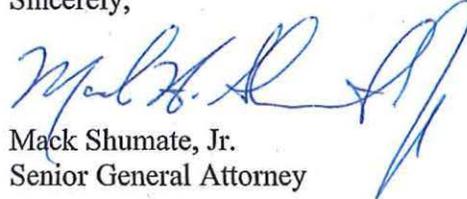
Based on information in UP's possession, the Line does not contain federally granted right-of-way. Any documentation in UP's possession regarding the Line will be made available promptly to those requesting it.



December 3, 2015
Page 2

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

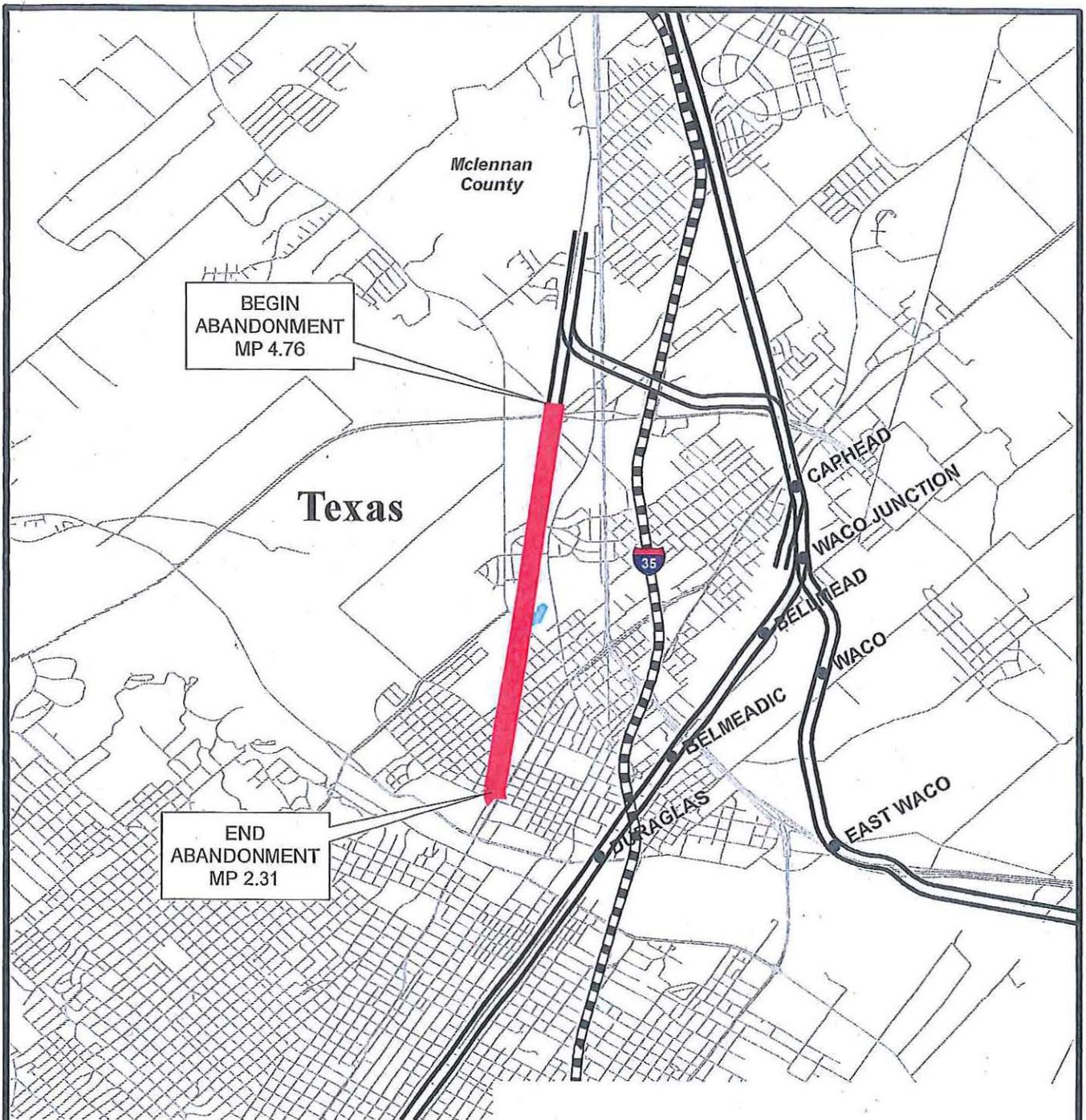
Sincerely,



Mack Shumate, Jr.
Senior General Attorney

Attachment

2015_12_03 Texas Central Railroad Ten Day Notice.doc



BEGIN
ABANDONMENT
MP 4.76

END
ABANDONMENT
MP 2.31

Legend

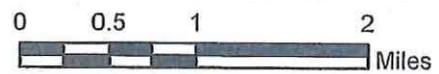
- Former Texas Central Railroad
- OTHER UPRR LINES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

FORMER TEXAS CENTRAL RAILROAD

UNION PACIFIC RAILROAD CO.
MP 2.31 TO MP 4.76
TOTAL OF 2.45 MILES IN McLENNAN COUNTY
IN TEXAS

**UNION PACIFIC RAILROAD CO.
FORMER TEXAS CENTRAL RAILROAD
TEXAS**

NOTE : THERE ARE NO 50+ YEAR OLD STRUCTURES



Q:\labandonmentslab33_318x_Texas_Central_RR.mxd

THE STATE OF TEXAS

COUNTY OF McLENNAN

Before me, a notary public, on this day personally appeared Ana Lozano-Harper
and after being by me duly sworn, states that she is Multi-Media Sales Manager
of the Waco Tribune-Herald, a newspaper published in Waco, McLennan County, Texas,
and that the Notice, a copy of which is hereto attached, was published in said newspaper
on the following named dates, to-wit:

On December 9th, 2015 Newspaper Ref: 191760 - Notice Of Intent

Ana Lozano-Harper

Ana Lozano-Harper, Multi-Media Sales Manager

Sworn to and subscribed before me on the 15 day December 2015.

Grace Allen

Grace Allen, Notary Public, McLennan County, Texas

Commission Expires: March 14, 2019



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

August 6, 2014

VIA E-FILE

TO: SEE ATTACHED SERVICE LIST

**RE: Proposed Abandonment of the Former Texas Central Railroad from
Milepost 2.31 to Milepost 4.76, a total distance of 2.45 miles near Waco,
McLennan County, Texas; STB Docket No. AB-33 (Sub-No. 318X)**

To whom it may concern:

On or after August 26 2014, 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 2.31 to Milepost 4.76, a distance of 2.45 miles, located in McLennan County, Texas (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.



August 6, 2014
Page 2

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

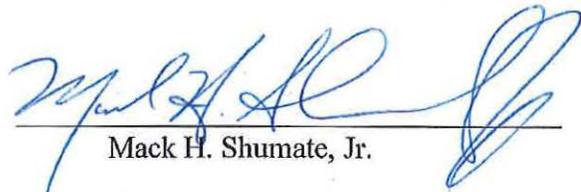
AB-33 (Sub-No. 318X) 2014_08_06 STB-EHR Agency Ltr.doc

Docket No. AB-33 (Sub-No. 318X)

SERVICE LIST

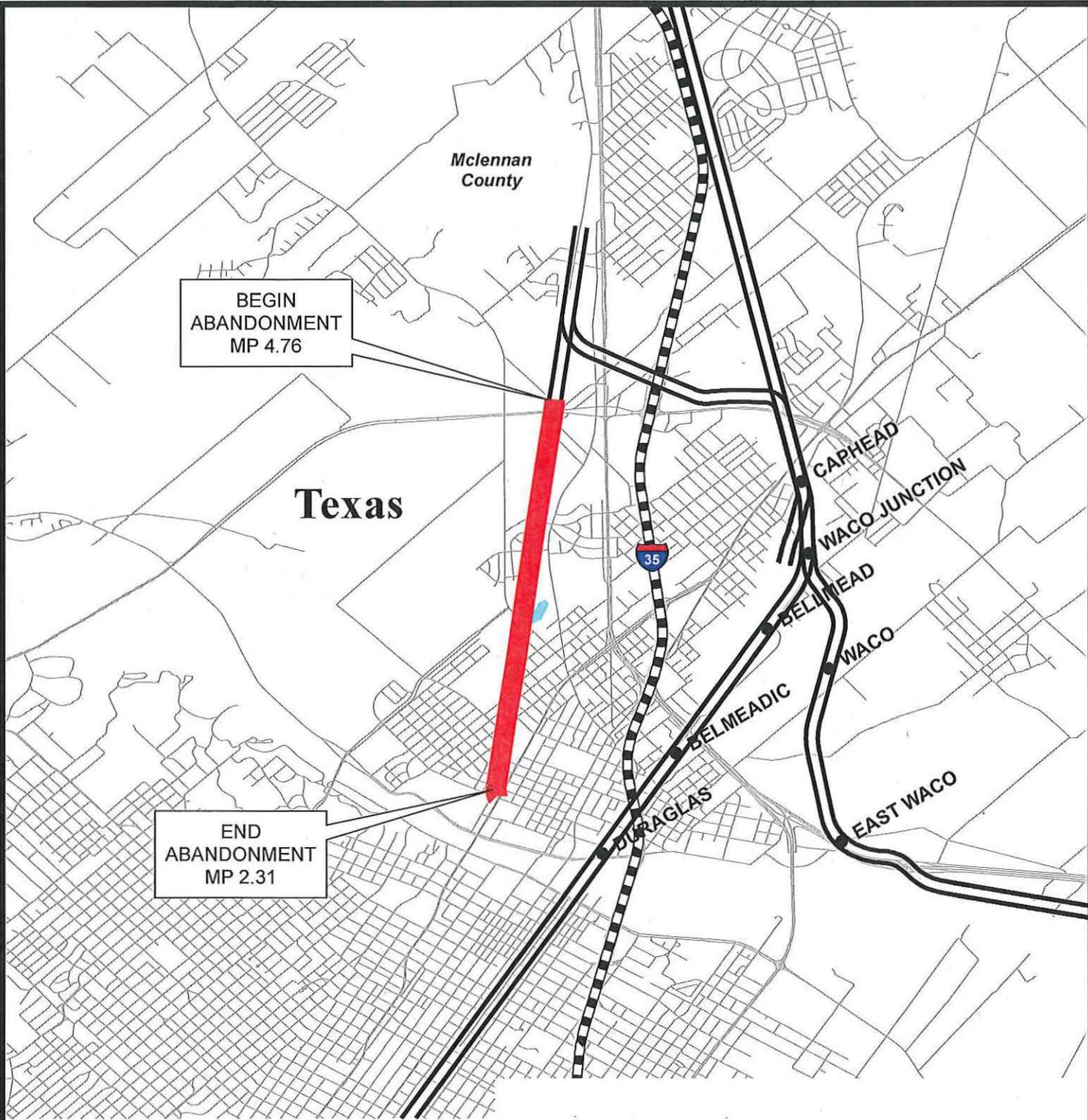
State Clearinghouse (or Alternate): Denise S. Francis Director, State Grants Team Governor's Office of Budget and Planning P.O. Box 12428 Austin, Texas 78711	U.S. Army Corps of Engineers: U.S. Army Corps of Engineers Fort Worth District 3801 Zoo Park Drive Waco, Texas 76708
State Environmental Protection Agency: Zak Covar, MC 109 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711	National Park Service (Regional Office): Suzanne Dixon, Regional Director National Park Service - Texas Region 2904 Swiss Avenue Dallas, Texas 75204
Environmental Protection Agency (Regional Office): U.S. Environmental Protection Agency - Region 6 1445 Ross Avenue, Suite 1200 Dallas, Texas 75202	U.S. Natural Resources Conservation Service: U.S. Natural Resources Conservation Service Waco Service Center 5040 S. Loop 340 Waco, Texas 76706
State of Texas Historic Preservation Office: Texas Historical Commission Main Office P.O. Box 12276 Austin, Texas 78711	National Geodetic Survey: Geodetic Services Division SMCC-3 #9209 NOAA N/NGS2 1315 E-W Highway Silver Spring, Maryland 20910
U.S. Fish and Wildlife Service: U.S. Fish and Wildlife Service Austin Ecological Services Field Office 10711 Burnet Road, Suite 200 Austin, Texas 78758	Head of McLennan County, Texas: J.A. "Andy" Harwell McLennan County Clerk 215 N. 5 th Street, Room 223-A Waco, Texas 76701

Dated this 6th day of August, 2014.


Mack H. Shumate, Jr.

AB-33 (Sub-No. 318X)\Service List.doc





BEGIN
ABANDONMENT
MP 4.76

END
ABANDONMENT
MP 2.31

Legend

- Former Texas Central Railroad
- OTHER UPRR LINES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

FORMER TEXAS CENTRAL RAILROAD

UNION PACIFIC RAILROAD CO.
MP 2.31 TO MP 4.76
TOTAL OF 2.45 MILES IN McLENNAN COUNTY
IN TEXAS

**UNION PACIFIC RAILROAD CO.
FORMER TEXAS CENTRAL RAILROAD
TEXAS**

NOTE : THERE ARE NO 50+ YEAR OLD STRUCTURES



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

EXHIBIT 4

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

RECEIVED
SEP 2 11 2014
Mack H. Shumate, Jr.

SEP 02 2014

August 6, 2014

LAW DEPARTMENT
UNION PACIFIC RR CO.

VIA E-FILE

TO: SEE ATTACHED SERVICE LIST

RE: Proposed Abandonment of the Former Texas Central Railroad from
Milepost 2.31 to Milepost 4.76, a total distance of 2.45 miles near Waco,
McLennan County, Texas; STB Docket No. AB-33 (Sub-No. 318X)

RECEIVED
AUG 11 2014
Texas Historical Commission
NO HISTORIC
PROPERTIES AFFECTED
PROJECT MAY PROCEED
by Mark Wolfe
for Mark Wolfe
State Historic Preservation Officer
Date 19 August 2014

To whom it may concern:

On or after August 26 2014, 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 2.31 to Milepost 4.76, a distance of 2.45 miles, located in McLennan County, Texas (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.



August 6, 2014
Page 2

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. 318X) 2014_08_06 STB-EHR Agency Ltr.doc



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

November 22, 2013

Planning, Environmental, and Regulatory Division
Regulatory Branch

SUBJECT: Project Number SWF-2013-00375, Texas Central Railroad Milepost 2.31 to
Milepost 4.76

Ms. Kristine Nelson
Union Pacific Railroad Company
Paralegal - Law Department
1400 Douglas Street, MS 1580
Omaha, Nebraska 68179

Dear Ms. Nelson:

Thank you for your letter received August 15, 2013, concerning a proposal by Union Pacific Railroad Company to abandon and discontinue service located in McLennan County, Texas. This project has been assigned Project Number SWF-2013-00375. Please include this number in all future correspondence concerning this project.

Under Section 404 of the Clean Water Act the U.S. Army Corps of Engineers (USACE) regulates the discharge of dredged and fill material into waters of the United States, including wetlands. USACE responsibility under Section 10 of the Rivers and Harbors Act of 1899 is to regulate any work in, or affecting, navigable waters of the United States. Based on your description of the proposed work, and other information available to us, we have determined this project will not involve activities subject to the requirements of Section 404 or Section 10. Therefore, it will not require Department of the Army authorization pursuant to Section 404 and/or Section 10. The USACE based this decision on a preliminary jurisdictional determination that there are no waters of the United States within the project site.

Thank you for your interest in our nation's water resources. If you have any questions concerning our regulatory program, please contact Mr. Blake Brannon at the address above or telephone 817-886-1838 and refer to your assigned project number.

Please help the Regulatory Program improve its service by completing the survey on the following website: <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,

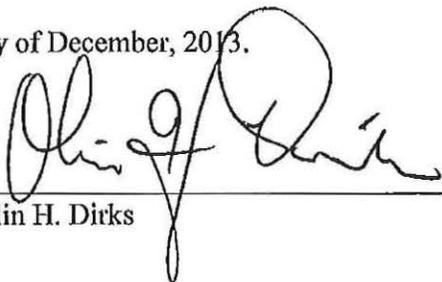

Stephen L. Brooks
Chief, Regulatory Branch

VERIFICATION

STATE OF NEBRASKA)
)SS:
COUNTY OF DOUGLAS)

I, OLIN H. DIRKS, Senior Manager rail Line Planning of Union Pacific Railroad Company, declare under penalty of perjury, under the law of the United States of America, that I have read the foregoing document and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of Union Pacific Railroad Company.

Dated at Omaha, Nebraska, this 16th day of December, 2013.

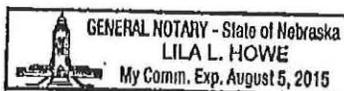


Olin H. Dirks

SUBSCRIBED AND SWORN TO
before me this 16th day of
December, 2013.



Notary Public



My Commission expires: Aug. 5, 2015