

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

232646

August 3, 2012

ENTERED
Office of Proceedings
August 3, 2012
Part of
Public Record

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

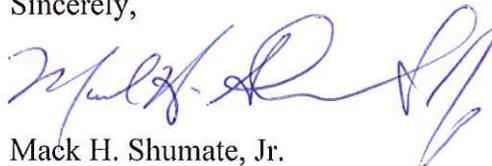
RE: Proposed Abandonment of the Royal Industrial Lead from Milepost 475.15 to Milepost 477.0 near Laurens, a total distance of 1.95 miles, in Pocahontas County, Iowa; STB Docket No. AB-33 (Sub-No. 304X)

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. 304X). 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

FEE RECEIVED
August 3, 2012
SURFACE
TRANSPORTATION BOARD

FILED
August 3, 2012
SURFACE
TRANSPORTATION BOARD

2012_08_03_ROYAL AB-33-Sub-No. 304X) Brown-Ltr-Notice of Exemption



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 304X)

**UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN POCAHONTAS COUNTY, IOWA
(ROYAL 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 3, 2012

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 304X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN POCAHONTAS COUNTY, IOWA
(ROYAL 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 Royal Industrial Lead from Milepost 475.15 to Milepost 477.10 near Laurens, for a total of 1.95 miles in Pocahontas 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 24, 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 Royal Industrial Lead from Milepost 475.15 to Milepost 477.10, a total distance of 1.95 miles in Pocahontas 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 50554.

(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 recreational trail.

The UP has fee title ownership to the lands which make up the right-of-way of the Line that is proposed for abandonment. Based on information in UP's possession, 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, Laurens will continue to receive rail service from the Laurens Subdivision of UP. Laurens lies on Iowa Route 10 which connects to U.S. Route 71 approximately 15 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 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

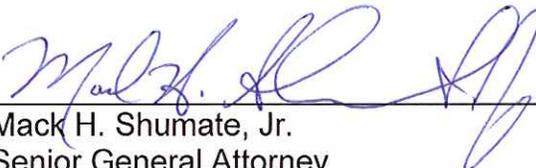
A copy of the cover letter which accompanied UP's Combined Environmental and Historic Report ("EHR"), containing the information required by 49 C.F.R. §§ 1105.7(e) and 1105.8, and delivered in accordance with 49 C.F.R. 1105.11, is attached as **Exhibit No. 3**. The EHR was electronically filed with the Office of Environmental Analysis (OEA), on April 3, 2012. The EHR indicated that the proposed abandonment does not involve any historic properties. On January 23, 2012, UP received a response from the State Historical Society of Iowa, copy attached as **Attachment 7** to the EHR, stating

that they concur with UP's finding that there are no historic properties affected by the proposed abandonment. On April 13, 2012, UP received a response from the United States Fish and Wildlife Service, attached as **Exhibit No. 4**, stating that it had no concerns regarding the proposed abandonment.

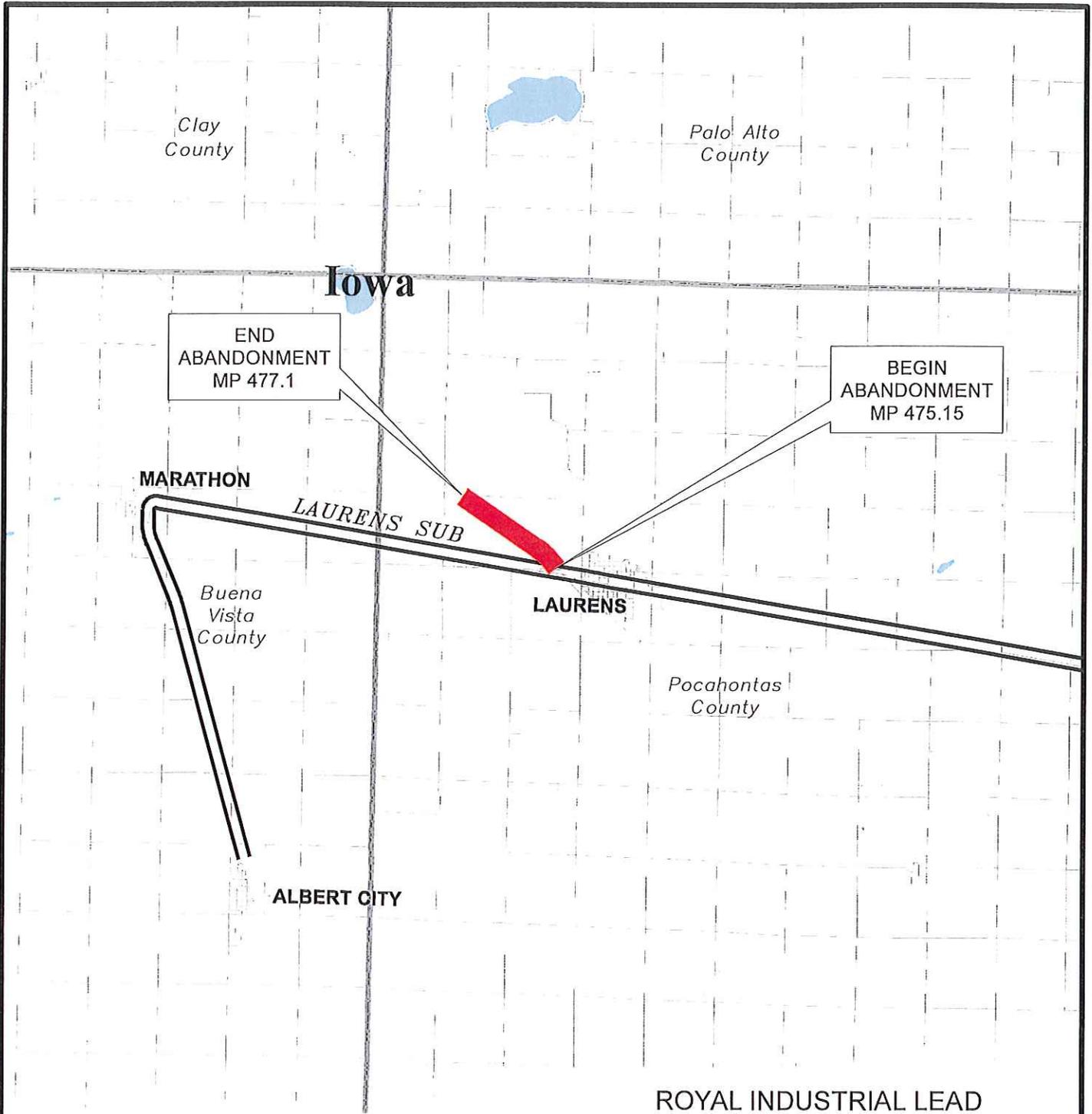
Dated this 3rd day of August, 2012.

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)



ROYAL INDUSTRIAL LEAD

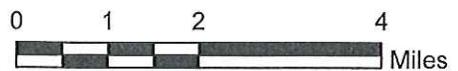
MP 475.15 TO MP 477.10
TOTAL 1.95 MILES IN POCAHONTAS COUNTY
IN IOWA

UNION PACIFIC RAILROAD CO.
ROYAL INDUSTRIAL LEAD
IOWA

NOTE : THERE ARE NO 50+ YEAR OLD STRUCTURES

Legend

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



DOCKET NO. AB-33 (SUB-NO. 304X)

UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN POCAHONTAS COUNTY, IOWA
(ROYAL INDUSTRIAL LEAD)

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) - Notice

The undersigned certifies that on JULY 5, 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 Royal Industrial Lead in Pocahontas County, Iowa in Docket No. AB-33 (Sub-No. 304X). 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 April 3, 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. 304X) for abandonment of the Royal Industrial Lead in Pocahontas 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

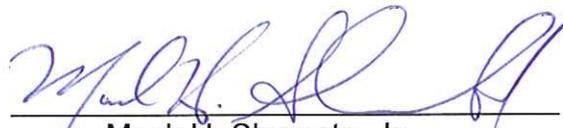
(The Certificate of Service attached to the Combined Environmental and Historic Report lists the names and addresses of the federal, state and local agencies.)

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>
Pocahontas	Pocahontas Record - Democrat	July 11, 2012

Dated this 3rd day of August, 2012.


Mack H. Shumate, Jr.

July 5, 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
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 and Discontinuance of Service of the Royal Industrial Lead from Milepost 475.15 to Milepost 477.10 near Laurens, a total distance of 1.95 miles in Pocahontas County, Iowa; STB Docket No. AB-33 (Sub-No. 304X).

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 16, 2012, a notice of an exempt abandonment on a line of railroad known as the Royal Industrial Lead, located in Pocahontas County, Iowa, extending from Milepost 475.15 to Milepost 477.10 near Laurens, (The "Line"), a total distance of 1.95 miles. The Line traverses U.S. Postal Service zip code 50554.

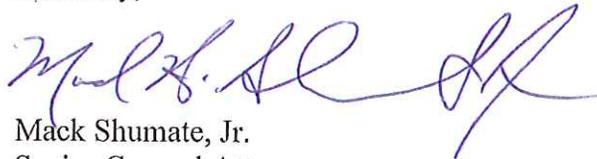
The "no business" exemption procedure will be used to abandon the Line, pursuant to the STB's abandonment regulations at 49 C.F.R. §1152.50. No local traffic has moved over the Line for at least two years and there is no overhead traffic on the Line. A Notice of Exemption to abandon service on the Line 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 16, 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 5, 2012
Page 2

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

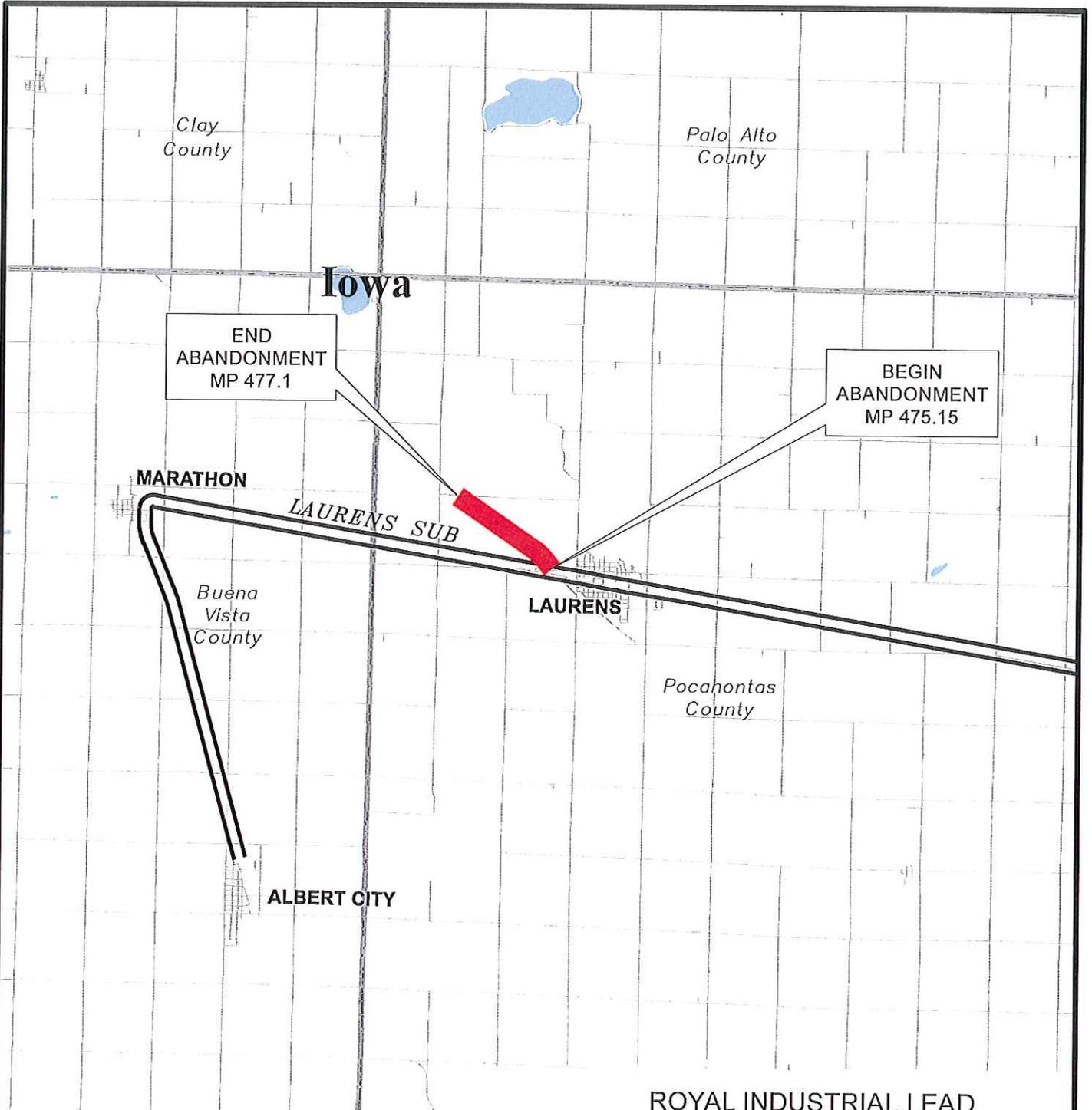
Sincerely,

A handwritten signature in blue ink, appearing to read "Mack Shumate, Jr.", with a stylized flourish at the end.

Mack Shumate, Jr.
Senior General Attorney

Attachment

2012_07_05 AB33-Sub No 304X Ten Day Notice.docx



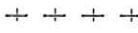
ROYAL INDUSTRIAL LEAD

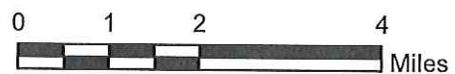
MP 475.15 TO MP 477.10
 TOTAL 1.95 MILES IN POCAHONTAS COUNTY
 IN IOWA

**UNION PACIFIC RAILROAD CO.
 ROYAL INDUSTRIAL LEAD
 IOWA**

NOTE : THERE ARE NO 50+ YEAR OLD STRUCTURES

Legend

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



PROOF OF PUBLICATION **The Record Democrat**

Pocahontas, Iowa July 11, 2012

STATE OF IOWA
Pocahontas County, ss.

I, Chris Vrba, publisher of the Record-Democrat, a weekly newspaper published at Pocahontas, Iowa, being duly sworn on oath say that the notice hereto attached was published in said newspaper for 1 consecutive week(s), the last publication being July 11, 2012.

Signed: Chris Vrba

I, Chris Vrba, do hereby state that I certify, under penalty of perjury, and pursuant to the laws of the State of Iowa, that the preceding is true and correct as I verily believe.

July 11, 2012

Publication

[Empty rectangular box for publication details]

April 3, 2012

VIA E-FILE

TO: SEE ATTACHED SERVICE LIST

RE: Proposed Abandonment of the Royal Industrial Lead from Milepost 475.15 to Milepost 477.0 near Laurens, a total distance of 1.95 miles, in Pocahontas County, Iowa; STB Docket No. AB-33 (Sub-No. 304X)

To whom it may concern:

On or after April 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 475.15 to Milepost 477.0, near Laurens, a distance of 1.95 miles, located in Pocahontas 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

April 3, 2012
Page 2

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." The signature is written in a cursive style with a large, prominent initial 'M'.

Mack H. Shumate, Jr.
Senior General Attorney

Attachment

Docket No. AB-33 (Sub-No. 304X)

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:

Pocahontas County Board of Supervisors
99 Court Square
Pocahontas County, IA 50574

Environmental Protection Agency

(Regional Office):

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

State Historic Preservation Office:

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
693 Federal Bldg.
210 Walnut Street
Des Moines, IA 50309-2180

National Geodetic Survey:

National Geodetic Survey
Geodetic System Division
Information Services
NOAA/NGS12
1315 E-W Highway
Silver Spring, MD 20910-3282





United States Department of the Interior

FISH AND WILDLIFE SERVICE

5600 American Boulevard West, Suite 990
Bloomington, Minnesota 55437-1458



IN REPLY REFER TO:

FWS/NWRS-RE - General
Railroad Abandonments

April 13, 2012

Surface Transportation Board
Office of Environmental Analysis (OEA)
395 "E" Street, SW, Room 1106
Washington, D.C. 20423

**RE: STB Docket/No. AB-33 (Sub-No. 304X), Union Pacific Railroad Company –
Abandonment Exemption, Pocahontas County, Iowa**

Dear Sir/Madam:

Thank you for the opportunity to comment on the proposed abandonment by Union Pacific Railroad Company (UP) of 1.95 miles of rail line from Milepost 475.15 to Milepost 477.0, near Laurens in Pocahontas County, Iowa.

We have researched our ownerships in the vicinity and have determined we do not own any lands or interests in land in the vicinity of the proposed rail line abandonments. We do not have any concerns regarding real estate matters in the abandonments.

Sincerely,

Patrick G. Carroll
Senior Realty Officer
Division of Realty

cc: Mack H. Shumate, Jr., Attorney for UP

RECEIVED

APR 19 2012

LAW DEPARTMENT
UNION PACIFIC RR CO.

