

UNION PACIFIC RAILROAD COMPANY

LAW DEPARTMENT
101 NORTH WACKER DRIVE, SUITE 1920
CHICAGO, ILLINOIS 60606
FAX NO. 312-777-2065

RONALD J. CUCHNA
GENERAL SOLICITOR
312-777-2040



December 18, 2002

GEORGE H. BRANT
312-777-2051
MACK H. SHUMATE, JR.
312-777-2055
DANIEL R. LA FAVE
312-777-2046
LINDA J. COYLE
312-777-2056
THOMAS W. CUSHING
312-777-2053
FREDERICK P. JOHNSTON, JR.
312-777-2047

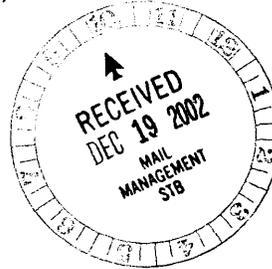
DJD# 0102106004

213
420

206985

VIA UPS NEXT DAY AIR

Surface Transportation Board
Section of Environmental Analysis
1925 "K" Street, N.W., Room 504
Washington, DC 20423-0001



Attention: Victoria Rutson

**RE: Docket AB-33 (Sub-No. 168X), Union Pacific Railroad Company
Abandonment Exemption -- In Hardin County, IA
(Eldora Junction Line in Eldora, IA)**

Dear Ms. Rutson:

Pursuant to 49 U.S.C. §10502, Union Pacific Company submits the original and ten (10) copies of a Petition for Exemption, with Verification, to abandon the above-referenced rail line. The Certificate of Service and Publication pursuant to 49 C.F.R. §1152.60(d) and 49 C.F.R. §1105.12 is attached to the petition.

Also enclosed is a draft Federal Register notice pursuant to 49 C.F.R. §1152.60(c). Three computer diskettes containing the draft Federal Register notice, as well as the Petition for Exemption and Certificate of Service and Publication is also enclosed.

Please file the Petition for Exemption in Docket No. AB-33 (Sub-No. 168X). Enclosed is a voucher for \$4,700 for the filing fee.

Sincerely yours,

Mack H. Shumate, Jr.
Senior General Attorney

Enclosures

O:\ABANDONMENTS\33-168X.STB

Surface Transportation Board
Section of Environmental Analysis
December 18, 2002
Page 2

cc (w/ enclosures):

MTMCTEA
Attn: Railroads for National Defense
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

U. S. Department of the Interior
National Park Service
Recreation Resources Assistance Div.
P.O. Box 37127
Washington, D.C. 20013-7127

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor NW, Auditors Building
14th Street & Independence Ave., S.W.
Washington, D.C. 20250

Mr. Steven R. McCann
Division for Community Progress
Iowa Department of Economic Development 200 East Grand Avenue
Des Moines, IA 5309

Hardin County Courthouse
1215 Edgington Avenue
Eldora, IA 50627

Steve Schaller
North Central FS
P. O. Box 337
Hampton, IA 50441

CERTIFICATE OF SERVICE AND PUBLICATION

The undersigned hereby certifies that a copy of the foregoing Petition for Exemption in Docket No. AB-33 (Sub-No. 168X) by Union Pacific Railroad Company was served on the date indicated below by mailing a copy, first class mail postage prepaid to the following:

MTMCTEA

Attn: Railroads for National Defense
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

U. S. Department of the Interior
National Park Service
Recreation Resources Assistance Div.
P.O. Box 37127
Washington, D.C. 20013-7127

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor NW, Auditors Building
14th Street & Independence Ave., S.W.
Washington, D.C. 20250

Mr. Steven R. McCann
Division for Community Progress
Iowa Department of Economic
Development 200 East Grand Avenue
Des Moines, IA 5309

Hardin County Courthouse
1215 Edgington Avenue
Eldora, IA 50627

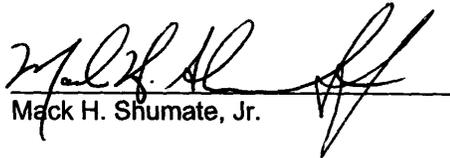
Steve Schaller
North Central FS
P. O. Box 337
Hampton, IA 50441

The undersigned further certifies that a notice of the abandonment was published one time in the County where the rail line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Hardin	<i>Eldora Herald Ledger</i>	December 17, 2002

The above newspaper is generally circulated in the county where the rail line is located. The Notice as published was in the form prescribed by the Board for a Petition for Exemption at 49 CFR 1105.12.

Dated this 19th day of December, 2002.


Mack H. Shumate, Jr.

DRAFT FEDERAL REGISTER NOTICE
[49 C.F.R. § 1152.60(c)]

STB No. AB-33 (Sub-No. 168X)
Notice of Petition for Exemption to Abandon or
to Discontinue Service

On December 19, 2002, Union Pacific Railroad Company filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for the abandonment and discontinuance of service on the Eldora Junction Line from milepost 5.10 to milepost 6.22 in Eldora, Iowa, a distance of 1.12 miles in Hardin County, Iowa (the "Line"). The Line traverses U. S. Postal Service Zip Code 50627. The proceeding has been docketed as No. AB-33 (Sub-No.168X). There are no agency stations on the Line.

The Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected as required by 49 U.S.C. 10903(b)(2).

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment of rail service and salvage of the Line, the Line may be suitable for interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the Federal Register.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR Part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis, telephone (202) 565-1545.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary), prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 168X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN HARDIN COUNTY, IOWA
(ELDORA JUNCTION LINE NEAR ELDORA, IOWA)

PETITION FOR EXEMPTION

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive
Room 1920
Chicago, IL 60606
Tel: 312/777-2055
Fax: 312/777-2065

Dated: December 18, 2002
Filed: December 19, 2002

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 168X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN HARDIN COUNTY, IOWA
(ELDORA JUNCTION LINE NEAR ELDORA, IOWA)

PETITION FOR EXEMPTION

I.

INTRODUCTION

Union Pacific Railroad Company ("UP") hereby petitions the Board, pursuant to 49 U.S.C. §10502, to grant an exemption from 49 U.S.C. §§10903 in order to permit abandonment and discontinuance of operations over the Eldora Junction Line from Milepost 5.10 to Milepost 6.22 in Eldora, Iowa, a distance of 1.12 miles in Hardin County, Iowa. UP's letter to federal, state and local government agencies, originally sent on December 5, 2000, indicated UP's desire to abandon the Marshalltown Industrial Lead from Milepost 216.23 to Milepost 212.00 in Hardin County, Iowa as well as the Eldora Junction Line. Up has subsequently decided to postpone any action on the Marshalltown Industrial Lead but to continue the process to seek abandonment authority for the Eldora Junction Line.

There are no shippers on the Line that will be adversely affected by the proposed abandonment. The sole shipper on the Line, North Central FS ("North Central

FS”), has indicated to UP that it will not oppose the abandonment. UP seeks exemption of this proposed abandonment from regulation under 49 U.S.C. §10903 in accordance with 49 U.S.C. §10502 and the Rules applicable thereto at 49 C.F.R. §1121 and 49 C.F.R. §1152 and the Special Rules at 49 C.F.R. §1152.60.

II.

PETITIONER'S BACKGROUND AND REPRESENTATIVE

UP has rail operations in the States of Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Tennessee, Texas, Utah, Washington, Wisconsin and Wyoming. UP owns and operates the Line proposed for abandonment which is located in the town of Eldora, in Hardin County, Iowa.

The name, address and telephone number of UP's representative is listed below:

Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive
Room 1920
Chicago, IL 60606
Tel: 312/777-2055
Fax: 312/777-2065

III.

LINE DESCRIPTIONS, ZIP CODE INFORMATION AND MAP

The proposed action involves the abandonment by UP of the Eldora Junction Line from Milepost 5.10 to Milepost 6.22 near Eldora, a distance of 1.12 miles, in Hardin

County, Iowa. The local traffic moving to and from the Line in recent years consisted of potash, Urea, and diammonium phosphate products. The sole shipper on the Line has been North Central FS.

The Eldora Junction Line was constructed in 1884 by the Chicago, Iowa & Dakota Railway Company. The Line is constructed with a combination of 72-pound and 100-pound track material. UP plans to sell the track salvage.

Based on information in UP's possession, the Line proposed for abandonment consists of right-of-way approximately 1.12 miles in length and is approximately 100-feet in width. Based on information in the Applicant's possession, the right-of-way on the Line proposed for abandonment contains approximately 12 acres, of which 9 acres are reversionary and 3 acres are non-reversionary property. There is no federally granted right-of-way in the proposed abandonment.

The Line traverses U.S. Postal Service Zip Code 50627.

A map of the Line is attached hereto as **Attachment 1** and hereby made a part hereof.

IV.

SHIPPER INFORMATION

The Line has been out of service since December, 2000 due to poor track condition. The sole shipper on the Line, North Central FS, has been compensated by UP for the cost differential of truck transportation. In the first half of 2002, North Central FS shipped 399 tons, four railcar load equivalent of Diammonium Phosphate, STCC 2771235; 315 tons, three plus railcar load equivalent of Potash, STCC 2812534; and 211 tons, two

plus railcar load equivalent of Urea, STCC 2818170. In 2001, North Central FS shipped 537 tons, five plus railcar load equivalent of Diammonium Phosphate; 1130 tons, eleven plus railcar load equivalent of Potash; and 498 tons, five railcar load equivalent of Urea. Assuming a four to one railcar-to-truck ratio and the 2001 volume of approximately 22 railcars, abandonment could result in the permanent addition of a total of 88 loaded or empty trucks on area highways, or an average of less than two trucks per week. This volume should have a negligible impact on area roads and traffic patterns. Again, North Central FS is aware of UP's plan to abandon the Eldora Junction Line and is not opposed to the abandonment.

V.

REASONS FOR THE ABANDONMENT

There appears to be no reasonable alternative to the abandonment and discontinuance. The property proposed for abandonment is not suitable for other public purposes, including roads or highways, other forms of transportation, conservation, energy production or transmission, as the area, because of its limited population base, is adequately served by existing roads and utility lines. Because of the breaks in ownership caused by the reversionary interests, the highest and best use of the property is that use which conforms to the adjacent property. The plan of disposition would be to sell the non-reversionary property to the adjacent landowners. However, the Iowa Trails Council and/or the Iowa Natural Heritage Foundation may have an interest in the possibility of converting the right-of-way into a public use trail.

North Central FS has indicated that it will not oppose the proposed petition. There is no overhead traffic. The closest railroad would continue to be UP at Eldora, Iowa. Eldora, Iowa is served by state highways 175 and 215; route 175 connects to U.S. 65, a major north-south route, approximately ten miles west of Eldora, Iowa.

The UP is of the opinion that the proposed abandonment would be beneficial to the UP and interstate commerce.

VI.

REASONABLE ALTERNATIVE: VIABILITY

There appears to be no reasonable alternative to this abandonment. The only shipper on the Line, North Central FS will not oppose the abandonment; there are no known shippers expected to use the Line in the future.

VII.

THE EXEMPTION STANDARDS HAVE BEEN MET

A. The abandonment requires an exemption from 49 U.S.C. §10903.

Abandonment of rail lines requires authorization and approval of the Board pursuant to 49 U.S.C. §10903. However, 49 U.S.C. §10502 requires the Board to exempt a transaction when it finds: (1) continued regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. §10101; and (2) either the transaction is of limited scope or Board regulation is not necessary to protect shippers from an abuse of market power. UP's proposal for abandonment and discontinuance of operations clearly satisfies the standards for exemption under 49 U.S.C. §10502.

Detailed scrutiny by the Board under 49 U.S.C. §10903 is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. §10101. An exemption will minimize UP's administrative expense and the cost, preparation and review associated with progressing the proposed abandonment in a full application proceeding. An exemption will expedite regulatory action and will reduce regulatory barriers to exit from the Line consistent with Sections 10101(2) and (7). An exemption will foster sound economic conditions in the transportation industry consistent with Section 10101(5), by permitting UP's abandonment of the Line and avoiding the need to retain and operate a rail line that will not be used by any shipper.

The proposed abandonment is clearly a transaction of "limited scope." The Line is only 1.12 miles long and will have no recurring local traffic. In addition, regulation of this abandonment is not needed to protect shippers from an abuse of market power, since the only local shipper does not oppose abandonment of the Line.

VIII.

LAND AREA, FEDERAL GRANT INFORMATION, AND PUBLIC USE

The right-of-way is generally 1.12 miles in length and approximately 100 feet in width and runs through the community of Eldora, Iowa. Topography is generally level.

The right-of-way has been offered to various public agencies including public transit providers. Sale of the property will be to adjoining landowners and various developers in the area.

Based on information in UP's possession, the Line does not contain federally granted right-of-way. Any documentation so related to the Line, including real estate

documentation, in Petitioner's possession will be made available promptly to those requesting it.

IX.

LABOR

UP is agreeable to the labor protection conditions imposed in abandonment proceedings as prescribed in Oregon Short Line R. Co. - Abandonment - Goshen, 360 ICC 91 (1979).

X.

ENVIRONMENTAL AND HISTORIC REPORT.

The required environmental and historic information is contained in the Combined Environmental and Historic Report which was served on September 18, 2002. A copy of the Report is attached hereto as **Attachment 2**. The original and ten (10) copies were sent to Ms. Victoria Rutson, Section of Environmental Analysis, on September 17, 2002, for filing.

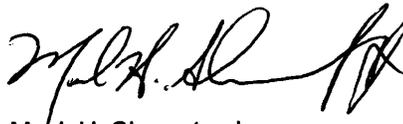
Subsequent to the filing of the combined Environmental and Historic Report one additional comment letter was received by a governmental entity on the service list. A copy of this additional letter received from the Department of the Army Corps of Engineers ("DA") is attached hereto as **Attachment 3** and hereby made a part hereof. The letter indicates that the DA will not require a Section 404 permit.

WHEREFORE, Union Pacific Railroad Company respectfully requests that the Board issue a decision exempting the proposed abandonment from the provisions of 49 U.S.C. §10903 and direct that the exemption be effective on the date of the Board's decision.

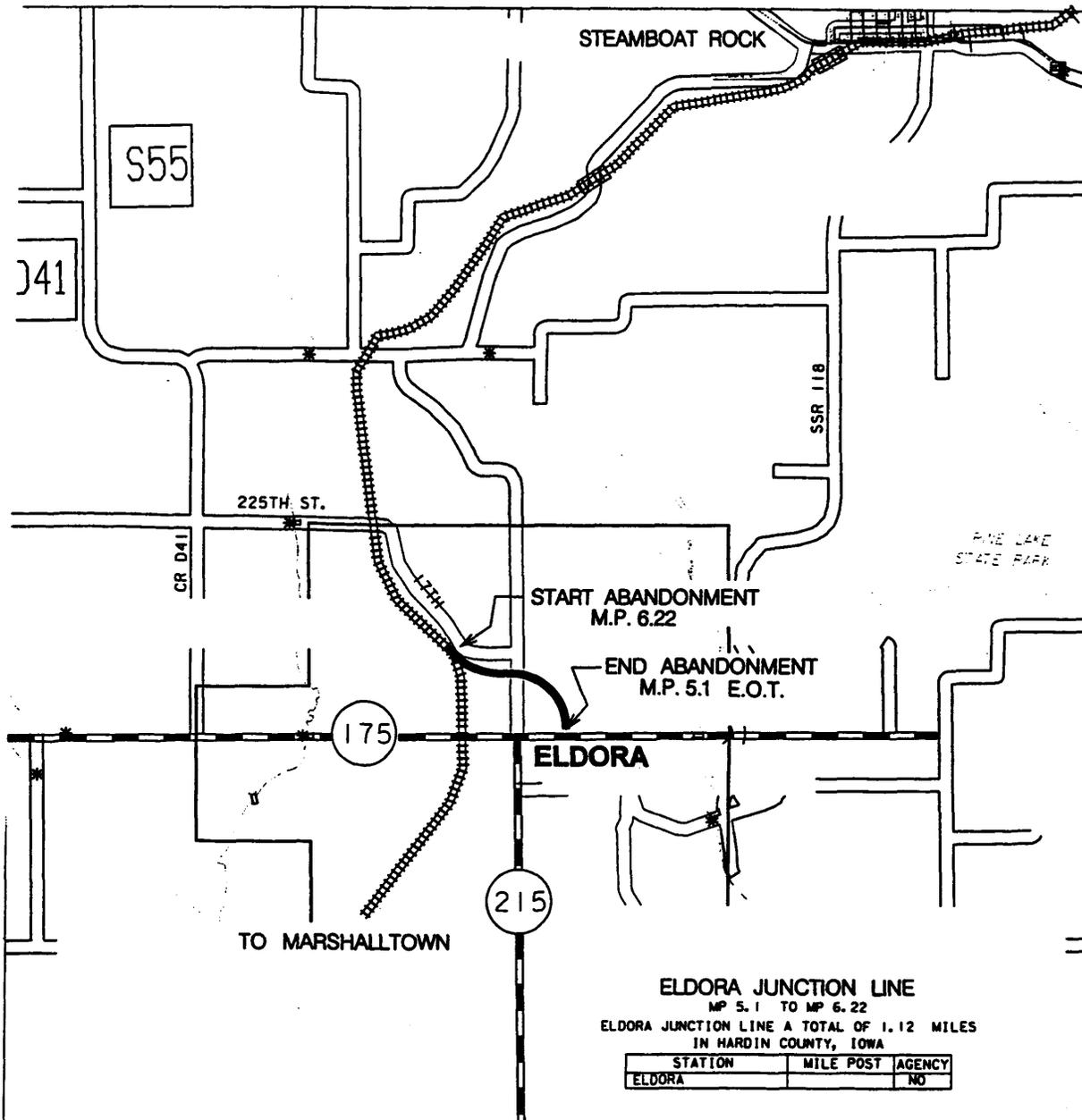
Dated this 18th day of December, 2002.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive
Room 1920
Chicago, IL 60606
Tel: 312/777-2055
Fax: 312/777-2065



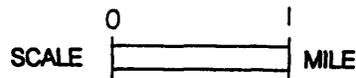
ELDORA JUNCTION LINE
 MP 5.1 TO MP 6.22
 ELDORA JUNCTION LINE A TOTAL OF 1.12 MILES
 IN HARDIN COUNTY, IOWA

STATION	MILE POST	AGENCY
ELDORA		NO

LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- 50+ YEAR OLD STRUCTURES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

UNION PACIFIC RAILROAD CO.
 ELDORA JUNCTION LINE
 INCL 50+ YEAR OLD STRUCTURES



FILE COPY

UNION PACIFIC RAILROAD COMPANY

LAW DEPARTMENT
101 NORTH WACKER DRIVE, SUITE 1920
CHICAGO, ILLINOIS 60606
FAX NO. 312-777-2065



RONALD J. CUCHNA
GENERAL SOLICITOR
312-777-2040

GEORGE H. BRANT
312-777-2051
MACK H. SHUMATE, JR.
312-777-2055
DANIEL R. LA FAVE
312-777-2046
LINDA J. COYLE
312-777-2056
THOMAS W. CUSHING
312-777-2053
FREDERICK P. JOHNSTON, JR.
312-777-2047

September 17, 2002

VIA UPS OVERNIGHT DELIVERY

Surface Transportation Board
Section of Environmental Analysis
1925 "K" Street, N.W. Room 504
Washington, DC 20423-0001

Attention: Victoria Rutson

RE: Proposed Abandonment of the Eldora Junction Line from M. P. 6.22 to M. P. 5.1 near Eldora, Iowa a distance of 1.12 miles in Hardin County, Iowa; STB Docket No. AB-33 (Sub-No. 168X)

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Petition for Exemption in this matter on or after October 7, 2002.

Sincerely yours,

Mack H. Shumate, Jr.
Senior General Attorney

MHS/taf
Enclosures

cc: Steve Schaller
North Central FS
PO Box 337
Hampton, IA 50431

CERTIFICATE OF SERVICE
OF THE
COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33(Sub-No. 168X) for the Eldora Junction Line in Eldora, IA in Hardin County, Iowa, was served by first class mail on the 17th day of September, 2002 on the following:

State Clearinghouse (or alternate):

Mr. Steven R. McCann
Division for Community Progress
Iowa Department of Economic Development
200 East Grand Avenue
Des Moines, IA 50309

State Environmental Protection Agency:

Department of Natural Resources
Wallace State Conservation Service
693 Federal Building
210 Walnut Street
Des Moines, IA 50309

State Coastal Zone Management Agency

(if applicable):

Not applicable.

Head of County (Planning):

Hardin County Courthouse
1215 Edgington Avenue
Eldora, IA 50627

Environmental Protection Agency

(regional office):

U.S. Environmental Protection Agency
Region VII
901 North 5th Street
Kansas City, Kansas 66101

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 Engineer District, Rock Island
P. O. Box 2004
Rock Island, IL 61204-2004

National Park Service:

William D. Shaddox
Chief, Land Resources Division
National Park Service
Department of the Interior
1849 "C" St., N.W., #MS2540
Washington, D.C. 20240

U.S. Natural Resources Conservation Service:

Natural Resources Conservation Service
693 Federal Building
210 Walnut Street
Des Moines, IA 50309

National Geodetic Survey:

Edward J. McKay, Chief
Spatial Reference System Division
National Geodetic Survey
NOAA N/NGS
1315 E-W Highway
Silver Spring, MD 20910-3282

Shipper:

Steve Schaller
North Central FS
P. O. Box 337
Hampton, IA 50441

Dated this 17th day of September, 2002.


Mack H. Shumate, Jr.

18

UNION PACIFIC RAILROAD COMPANY

LAW DEPARTMENT
101 NORTH WACKER DRIVE, SUITE 1920
CHICAGO, ILLINOIS 60606
FAX NO. 312-777-2065

RONALD J. CUCHNA
GENERAL SOLICITOR
312-777-2040



September 17, 2002

GEORGE H. BRANT
312-777-2051
MACK H. SHUMATE, JR.
312-777-2055
DANIEL R. LA FAVE
312-777-2046
LINDA J. COYLE
312-777-2056
THOMAS W. CUSHING
312-777-2053
FREDERICK P. JOHNSTON, JR.
312-777-2047

State Clearinghouse (or alternate):

Mr. Steven R. McCann
Division for Community Progress
Iowa Department of Economic Development 200
East Grand Avenue
Des Moines, IA 5309

State Environmental Protection Agency:

Department of Natural Resources
Wallace State Conservation Service
693 Federal Building
210 Walnut Street
Des Moines, IA 50309

State Coastal Zone Management Agency

(if applicable):
Not applicable.

Head of County (Planning):

Hardin County Courthouse
1215 Edgington Avenue
Eldora, IA 50627

Environmental Protection Agency

(regional office):
U.S. Environmental Protection Agency
Region VII
901 North 5th Street
Kansas City, Kansas 66101

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 Engineer District, Rock Island
P. O. Box 2004
Rock Island, IL 61204-2004

National Park Service:

William D. Shaddox
Chief, Land Resources Division
National Park Service
Department of the Interior
1849 "C" St., N.W., #MS2540
Washington, D.C. 20240

U.S. Natural Resources Conservation Service:

Natural Resources Conservation Service
840 Brooks Road
Iowa Falls, IA 50126-8008

National Geodetic Survey:

Edward J. McKay, Chief
Spatial Reference System Division
National Geodetic Survey
NOAA N/NGS
1315 E-W Highway
Silver Spring, MD 20910-3282

Shipper:

Steve Schaller
North Central FS
P. O. Box 337
Hampton, IA 50441

**Re: Docket No. AB-33 (Sub-No. 168X), Union Pacific Railroad Company -
Abandonment Exemption -- In Hardin County, IA
(Eldora Junction Line in Eldora, IA)**

Dear Sirs:

On December 5, 2000 we sent you a letter stating that Union Pacific Railroad Company planned to request authority from the Surface Transportation Board (STB) to abandon and discontinue operations over the Marshalltown Industrial Lead from milepost 216.23 in Eldora to milepost 212.0 near Steamboat Rock, a distance of 4.23 miles, and over the Eldora Junction Line from milepost 6.22 to milepost 5.10 in Eldora, a distance of 1.12 miles in Hardin County, Iowa. Subsequently, we have decided to postpone any action on the Marshalltown Industrial Lead at this time.

On or after October 7, 2002, we expect to be filing with the STB a Petition for Exemption seeking authority to abandon the Eldora Junction Line from milepost 6.22 to milepost 5.10 in Eldora, a distance of 1.12 miles in Hardin County, Iowa (the "Line"). The Line traverses U. S. Postal Service Zip Code 50627. 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.

We are 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)
1925 K Street, N.W., Room 504
Washington, D.C. 20423-0001
Telephone (202) 565-1545

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 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 the undersigned and may be contacted at the address and telephone number indicated below.

Sincerely,



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

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 168X)

UNION PACIFIC RAILROAD COMPANY
– ABANDONMENT EXEMPTION –
IN HARDIN COUNTY, IA
(ELDORA JUNCTION LINE NEAR ELDORA, IA)

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY

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

Dated: September 17, 2002
Filed: September 18, 2002

22

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 168X)

UNION PACIFIC RAILROAD COMPANY
– ABANDONMENT EXEMPTION –
IN HARDIN COUNTY, IA
(ELDORA JUNCTION LINE NEAR ELDORA, IA)

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment from milepost 6.22 to milepost 5.10 in Eldora, IA, a distance of 1.12 miles over the Eldora Junction Line in Hardin County, Iowa (the "Line").

The Line traverses U. S. Postal Service Zip Code 50627.

UP anticipates that a Petition For Exemption to abandon the Line will be filed at the STB on or after October 7, 2002.

A map of the Line is attached as **Attachment No. 1**. UP's letter to federal, state and local government agencies, originally sent on December 5, 2000, indicated UP's desire to abandon the Marshalltown Industrial Lead from milepost 216.23 to milepost 212.00 in Hardin County, Iowa as well as the Eldora Junction Line. UP has subsequently decided to postpone any action on the Marshalltown Industrial Lead but to continue the process to abandon the Eldora Junction Line. UP's letter to federal, state and local

government agencies is marked **Attachment No. 2**. Responses received to UP's letter to date are attached and sequentially numbered as indicated below.

ENVIRONMENTAL REPORT
49 C.F.R. § 1105.7(e)

(1) Proposed action and alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Response: The proposed action involves the abandonment by UP of the remaining portion of the Eldora Junction Line from milepost 6.22 to milepost 5.1 near Eldora, IA over the Eldora Junction Line, a distance of 1.12 miles, in Hardin County, Iowa. The local traffic moving to and from the Line in recent years consisted of potash, urea, and diammonium phosphate products. The sole shipper on the Line has been North Central FS.

The portion of the Eldora Junction Line to be abandoned was constructed in 1884 by the Chicago, Iowa & Dakota Railway Company. The line is constructed with a combination of 72-pound and 100-pound track material. UP plans to sell the track as salvage.

There appears to be no reasonable alternative to the abandonment and discontinuance. The property proposed for abandonment is not suitable for other public purposes, including roads or highways, other forms of transportation, conservation, energy production or transmission, as the area, because of its limited population base, is adequately served by existing roads and utility lines. Because of the breaks in ownership caused by the reversionary interests, the highest and best use of the property is that use

which conforms to the adjacent property. The plan of disposition would be to sell the non-reversionary property to the adjacent landowners. However, the Iowa Trails Council and/or the Iowa Natural Heritage Foundations may have an interest in the possibility of converting the right of way into a public use trail.

North Central FS has indicated that it will not oppose the proposed petition. There is no overhead traffic. The closest railroad would continue to be UP at Eldora, Iowa. Eldora, Iowa is served by state highways 175 and 215; route 175 connects to U. S. 65, a major north-south route, approximately ten miles west of Eldora, Iowa.

Based on information in the Applicants' possession, the Line proposed for abandonment contains approximately 12 acres, of which 9 acres are reversionary and 3 acres are non-reversionary property. There is no federally granted right of way in the proposed abandonment.

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

(2) Transportation system. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

Response: The Line has been out of service since December, 2000 due to poor track condition. The sole shipper on the Line, North Central FS, has been compensated by UP for the cost differential of truck transportation. In the first half of 2002 North Central FS shipped 399 tons, four carload equivalents of Diammonium Phosphate, STCC 2871235; 315 tons, three plus carload equivalents of Potash, STCC 2812534; and 211 tons, two plus carload equivalents of Urea, STCC 2818170. In 2001, North Central shipped 537 tons, five plus carload equivalents of Diammonium Phosphate; 1130 tons,

eleven plus carload equivalents of Potash; and 498 tons, five carload equivalents of Urea. Assuming a four to one railcar-to-truck ratio and the 2001 volume of approximately 22 cars, abandonment could result in the permanent addition of a total of 88 loaded or empty trucks on area highways, or an average of less than two trucks per week. This volume should have a negligible impact on area roads and traffic patterns. Again, North Central is aware of UP's plan to abandon the Eldora Junction Line and is not opposed to the abandonment.

(3) **Land use.** (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action effects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

Response: (i) Applicant is unaware of any adverse effects on local and existing land use plans. Hardin County officials have been contacted. To date UP has received no response.

(ii) The United States Natural Resources Conservation Service has been contacted and they state their only concern with respect to the proposed abandonment is that drainage systems and other agricultural infrastructure near the soils mapped as Nicollet and Webster Nicollet are not adversely impacted. These locations are outside the areas proposed for abandonment. The Natural Resources Conservation Service's response is attached as **Attachment No. 3.**

(iii) The Line is not in a state coastal zone.

(iv) The subject right-of-way would be suitable for a trail corridor.

(4) **Energy.** (i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

Response: (i) There are no effects on the transportation of energy resources.

(ii) There are no recyclable commodities moved over the Line.

(iii) There might be a small increase in energy consumption from the abandonment due to a permanent shift to truck transportation.

(iv)(A)(B) There will be no rail-to-motor diversion of this magnitude.

(5) **Air.** (i) If the proposed action will result in either:

(A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) an increase in rail yard activity of at least 100% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in §§ (5)(i)(A) will apply.

Response: There is no such effect anticipated.

(5) **Air.** (ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstatement of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Response: There will be no increase in rail traffic, rail yard activity, or truck traffic of this magnitude as a result of the proposed action.

(5) **Air.** (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Response: The proposed action will not affect the transportation of ozone depleting materials.

(6) **Noise.** If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

- (i) an incremental increase in noise levels of three decibels Ldn or more or
- (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

Response: Not applicable.

(7) **Safety.** (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

Response: (i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

(8) Biological resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Response: (i) The U. S. Fish and Wildlife Service has been contacted. Its response states that the Service has no concerns regarding real estate matters in the proposed abandonment. The U.S. Fish and Wildlife Service response is attached as **Attachment No. 4.**

(ii) Applicant is not aware of any wildlife sanctuaries or refuges, nor any National or State parks or forests, that will be affected by the proposed abandonment.

(9) Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

Response: (i) The State of Iowa Department of Natural Resources has been contacted. To date UP has received no response.

(ii) The U.S. Army Corps of Engineers has been contacted and it states the proposed abandonment does not require a Section 404 permit. The Corps of Engineers response is attached as **Attachment No. 5**.

(iii) It is not anticipated there will be any requirements for Section 402 permits. The U.S. Environmental Protection Agency has been contacted, but has not responded.

(10) **Proposed Mitigation.** Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Response: There are no known adverse environmental impacts.

HISTORIC REPORT
49 C.F.R. § 1105.8(d)

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

Response: See **Attachment No. 1**.

(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area:

Response: The right of way is generally 100 feet in width and runs through the community of Eldora, Iowa, Topography is generally level. Based on information in our possession, the line does not contain federally granted rights-of-way.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

Response: There are no railroad structures 50 years old or older in the area.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known:

Response: Not Applicable.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

Response: See the preceding pages for a brief history and description of carrier operations, and contemplated changes thereto.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

Response: UP believes no structures are historic.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

Response: At this time, UP knows of no historic sites or structures or archeological resources in the project area. Donald D. Snoddy, UP Manager-Museum Services, indicates that any archeological sites within the scope of the right-of-way would have been disturbed during the construction of the Line, and salvage activities should not affect any previously undisturbed sites. Abandonment of the Line and reduction of the grade will have no impact on any prehistoric sites.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain:

Response: Applicants do not have any such readily available information.

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or groups of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American):

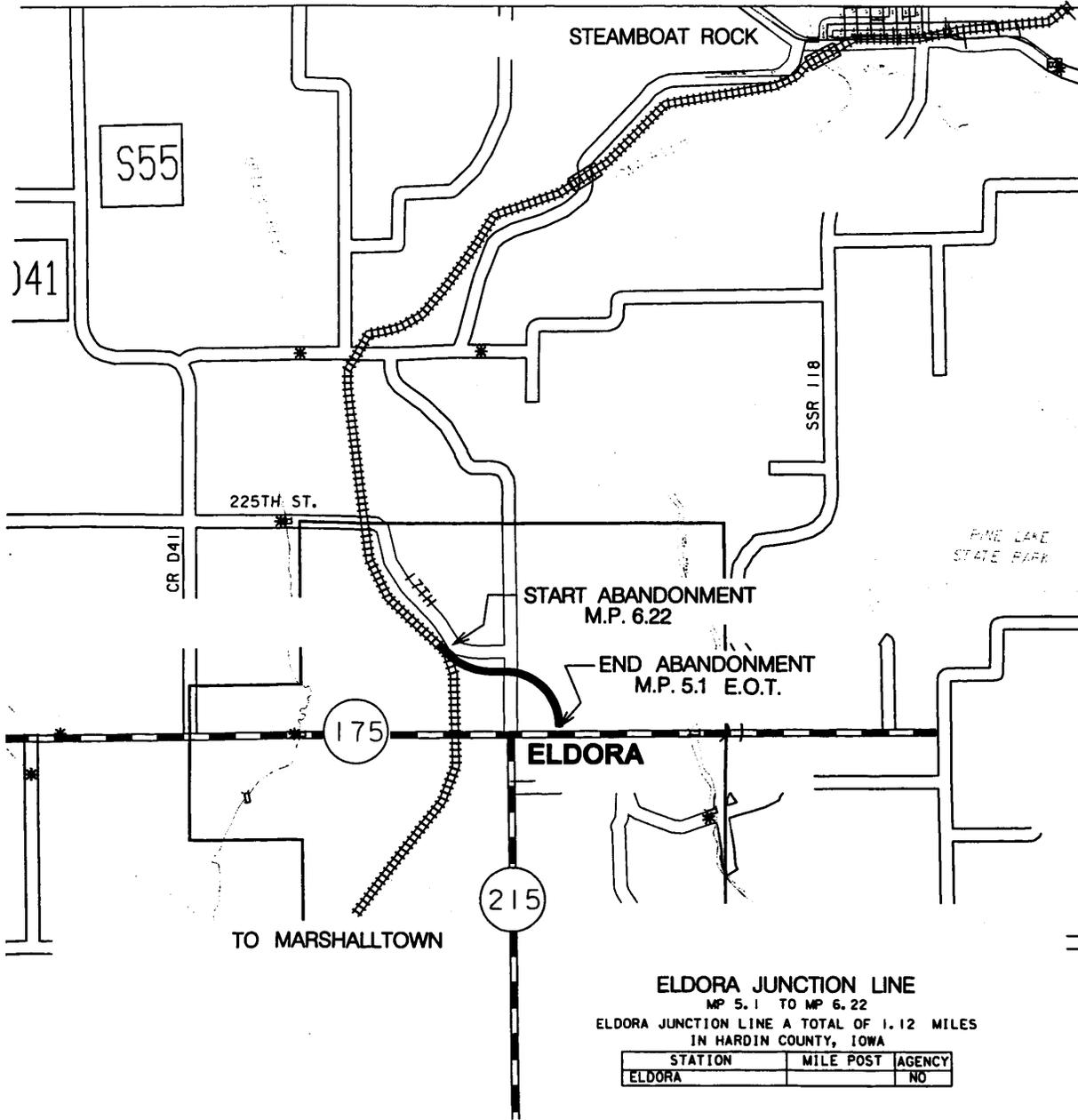
Response: Not applicable.

Dated this 17th day of September, 2002.

Respectfully submitted,



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



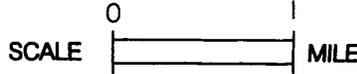
ELDORA JUNCTION LINE
 MP 5.1 TO MP 6.22
 ELDORA JUNCTION LINE A TOTAL OF 1.12 MILES
 IN HARDIN COUNTY, IOWA

STATION	MILE POST	AGENCY
ELDORA		NO

LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- 50+ YEAR OLD STRUCTURES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

UNION PACIFIC RAILROAD CO.
 ELDORA JUNCTION LINE
 INCL. 50+ YEAR OLD STRUCTURES



REVISED 2/14/2002 Q:\ABANDONMENTS\AB0217_ELDORADGN

UNION PACIFIC RAILROAD COMPANY
ENVIRONMENTAL MANAGEMENT

R. M. (Bob) Grimaldi
Assistant Vice President-Environmental
(402) 271-4344

L. A. (Lanny) Schmid
Director Environmental Field Operations
(402) 271-2262

J. R. (Joel) Strafeldt
Program Manager-Site Remediation
(402) 271-6572



Mailing Address:
Room 930
1416 Dodge Street
Omaha, NE 68179
Fax: (402) 271-4461

R. L. (Rick) Eades
Director Environmental Field Ops-North
(402) 661-6825

G. (Glenn) Thomas
Director Environmental Field Ops-South
(281) 350-7542

B. A. (Brock) Nelson
Director Environmental Field Ops-West
(918) 788-6370

December 5, 2000

File: Track Abandonment
Marshalltown Industrial Lead
Iowa

State Clearinghouse:

Mr. Steven R. McCann
Division for Community Progress
Iowa Department of Economic
Development
200 East Grand Avenue
Des Moines, IA 50309

State Environmental Protection Agency

Department of Natural Resources
Wallace State Conservation Service
693 Federal Building
210 Walnut Street
Des Moines, IA 50309

State Coastal Zone Management Agency
Not Applicable

Head of each County

Hardin County Courthouse
1215 Edgington Avenue
Eldora, IA 50627

Environmental Protection Agency
(Regional Office)

U. S. EPA, Region VII
901 North 5th Street
Kansas City, Kansas 66101

U.S. Fish and Wildlife

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

U.S. Army Corps of Engineers:

U.S. Army Engineer District, Rock
Island
P.O. Box 2004
Rock Island, IL 61204-2004

National Park Service

William D. Shaddox, Chief
Land Resources Division
National Park Service
800 Capitol Street, NE, Room 500
Washington, D.C. 20002

U.S. Natural Resources Conservation
Service:

Natural Resource Conservation Service
840 Brooks Road
Iowa Falls, IA 50126-8008

National Geodetic Survey

Edward J. McKay, Chief
Spatial Reference System Division
National Geodetic Survey
NOAA N/NGS
1315 East-West Highway
Silver Springs, MD 20910-3282

Other Agencies Consulted

State Historical Society of Iowa
Attn: Beth Foster, R&C Coordinator
600 East Locust Street
Des Moines, IA 50319-0290

RE: Proposed Abandonment of the Marshalltown Industrial Lead from M.P. 216.23 to M.P. 212.00 and the Eldora Junction Line, M.P. 6.22 to M.P. 5.10 in Hardin County Iowa.

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon its Marshalltown Industrial Lead from M.P. 216.23 to M.P. 212 and the Eldora Junction Line from M.P. 6.22 to M.P. 5.10, in Hardin County Iowa. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 49 C.F.R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. If any adverse environmental impacts are identified, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U.S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U.S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U.S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

U.S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

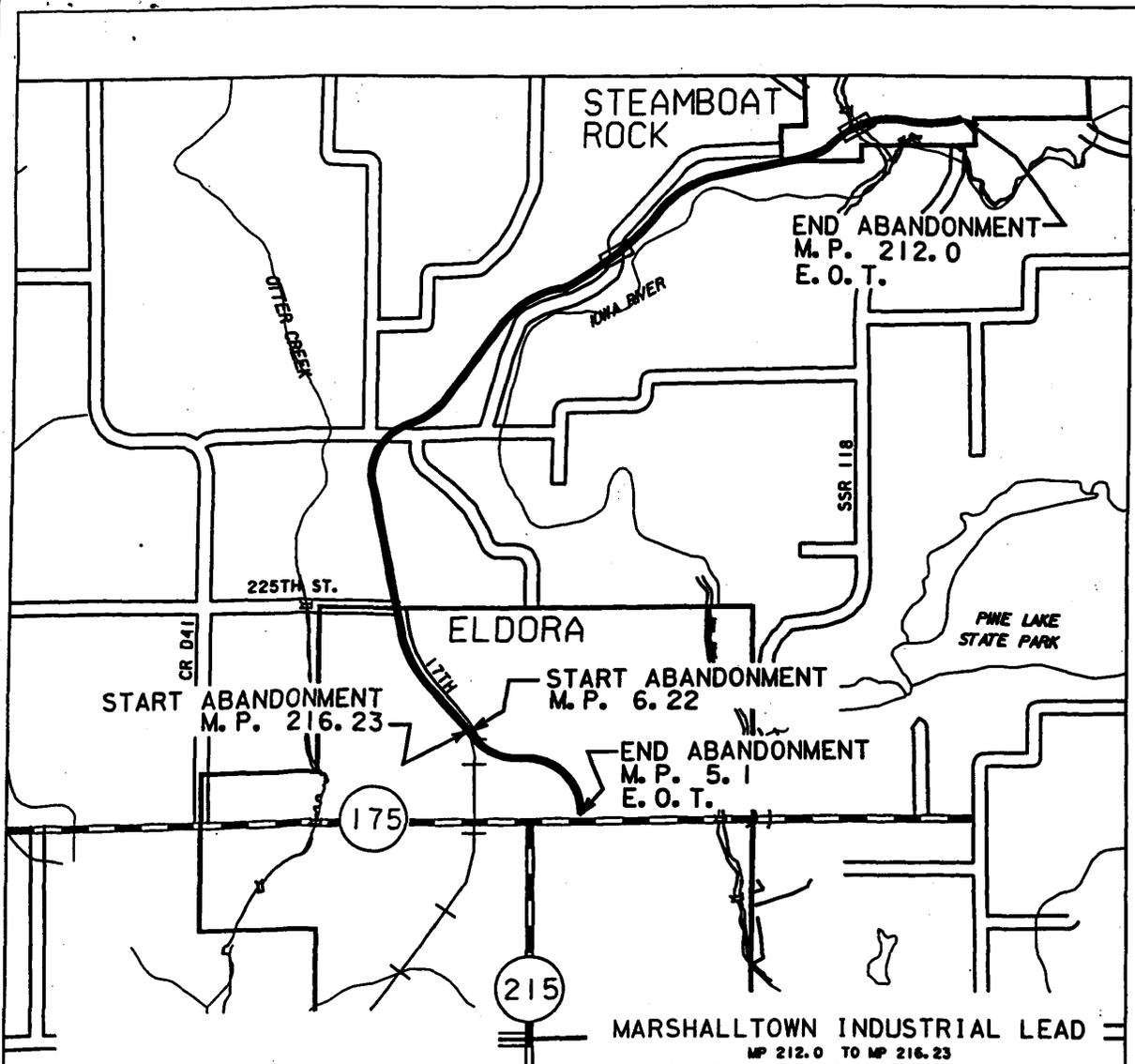
Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1416 Dodge Street, Room 830, Omaha, NE, 68179. If you need further information, please contact me at (402) 271-4078.

Yours truly,



Harry P. Patterson, P. E.
Manager Environmental Field Operations

Attachment



ELDORA JUNCTION LINE
 MP 5.1 TO MP 6.22
 ELDORA JUNCTION LINE A TOTAL OF 1.21 MILES
 IN HARDIN COUNTY, IOWA

STATION	MILE POST	AGENCY
ELDORA		NO

MARSHALLTOWN INDUSTRIAL LEAD
 MP 212.0 TO MP 216.23
 MARSHALLTOWN IND. LEAD A TOTAL OF 4.23 MILES
 IN HARDIN COUNTY, IOWA

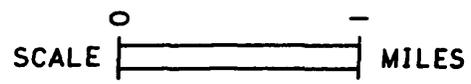
STATION	MILE POST	AGENCY
STEAMBOAT ROCK	212.5	NO
ELDORA	216.8	NO

BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
212.3	TIMBER STRINGERS TRESTLE - O. B.	30'	1958
	DECK PLATE GIRDER - OPEN DECK	180'	1926
	TIMBER STRINGERS TRESTLE - O. B.	55'	1968
213.55	TIMBER STRINGERS TRESTLE - O. B.	39' 11"	1945

LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- 50+ YEAR OLD STRUCTURES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

UNION PACIFIC RAILROAD CO.
MARSHALLTOWN INDUSTRIAL LEAD
 INCL. 50+ YEAR OLD STRUCTURES



*Q:\abandonments\ab027.dgn
 Date: 11/27/00*



United States
Department of
Agriculture

Natural
Resources
Conservation
Service

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

ATTACHMENT 3

January 10, 2001

RE: Track Abandonment
Marshalltown Industrial Lead
Iowa

Mr. Chuck Saylor
Union Pacific Railroad Company
1416 Dodge Street, Room 830
Omaha, Nebraska 68179

Dear Mr. Saylor:

I have reviewed the proposal for abandonment of the Marshalltown Industrial Lead in Hardin County, Iowa. There is prime agricultural land along this route. Specifically, the soils mapped as Nicollet and Webster Nicollet. Since the planned activity will be within the existing right-of-way, the only concern I would have is that drainage systems and other agricultural infrastructure are not adversely impacted during the abandonment activity. I would suggest that you contact the local NRCS office for specific soil site information.

Mr. Gary Hillmer
District Conservationist
840 Brooks Road
Iowa Falls, Iowa 50126-8008
(641) 648-3463

Sincerely,


Leroy Brown
State Conservationist



United States Department of the Interior

ATTACHMENT 4

FISH AND WILDLIFE SERVICE
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4056

IN REPLY REFER TO:

FWS/NWRS-RE - General

December 13, 2000

Mr. Chuck Saylor
Union Pacific Railroad
1416 Dodge Street
Room 830
Omaha, Nebraska 68179

Dear Mr. Saylor:

Thank you for the opportunity to comment on the proposed abandonment of the rail lines within Hardin County, Iowa.

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

Sincerely,

Patrick G. Carroll
Senior Realty Officer
Division of Realty

ATTACHMENT 4



REPLY TO
ATTENTION OF:

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

December 27, 2000

Operations Division

SUBJECT: CEMVR-OD-P-402200 and 402210

Mr. Chuck Saylor
Union Pacific Railroad Company
1416 Dodge Street, Room 830
Omaha, Nebraska 68179

Dear Mr. Saylor:

Our office reviewed your letter dated December 5, 2000, concerning the proposed railroad line abandonment projects described below which are adjacent to the Iowa River in Hardin County, Iowa.

- a. 202200 - The Marshalltown Industrial Lead from M.P. 216.23 to M.P. 200 in Township 88 North, Range 19 West.
- b. 202210 - The Eldora Junction Line from M.P. 6.22 to M.P. 5.10 in Township 87 North, Range 19 West.

We determined your project as proposed does not require a Department of the Army (DA) Section 404 permit. Our office reviewed the information provided to us. 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.

Should your project involve the extraction of any bridges, you are required to remove all fill material to an upland, non-wetland site, and to remove all pilings to at least one foot below streambed elevations. You are also required to seed all disturbed areas with native grasses and to implement appropriate measures to insure that sediments are not introduced into waters of the United States during your project.

You are advised that this determination for your 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.

40

24

-2-

Although a DA Section 404 permit is not required for the project as proposed, you must still acquire other applicable Federal, state, and local permits.

Should you have any questions, please contact our Regulatory Branch by letter, or telephone me at 309/794-5367.

Sincerely,



Michael D. Hayes
Project Manager
Enforcement Section

Copy Furnished:

Mr. Kelly Stone (2)
Iowa Department of Natural Resources
Flood Plain Section
Henry A. Wallace Building
900 East Grand Avenue
Des Moines, Iowa 50319-0034

41



REPLY TO
ATTENTION OF

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

<http://www.mvr.usace.army.mil>

September 26, 2002

ATTACHMENT 3

RECEIVED

SEP 30 2002

LAW DEPARTMENT
UNION PACIFIC RR CO.

Operations Division

SUBJECT: CEMVR-OD-P-434690

Mr. Mack H. Shumate, Jr.
Senior General Attorney
Union Pacific Railroad Company
101 North Water Drive Room 1920
Chicago, Illinois 60606

Dear Mr. Shumate:

Our office reviewed your letter dated September 17, 2002, concerning the proposed abandonment of the Eldora Junction Line from m.p. 6.22 to m.p. 5.10 in Township 87 North, Range 19 West, Hardin County, Iowa.

We determined your 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.

Should your project involve the extraction of any bridges, you are required to remove all fill material to an upland, non-wetland site, and to remove all pilings to at least one foot below streambed elevations. You are also required to seed all disturbed areas with native grasses and to implement appropriate measures to insure that sediments are not introduced into waters of the United State during your project.

You are advised that this determination for your 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 Section 404 permit is not required for the project as proposed, you must still acquire other applicable Federal, state, and local permits.

Should you have any questions, please contact our Regulatory Branch by letter, or telephone me at 309/794-5367.

Sincerely,

Michael D. Hayes

Michael D. Hayes
Project Manager
Enforcement Section

Copy Furnished: (w/o enclosures)

Mr. Kelly Stone (3)
Iowa Department of Natural Resources
Henry A. Wallace Building
900 East Grand Avenue
Des Moines, Iowa 50319