

420

DID# 0102186002



May 23, 2003

207875-

**VIA UPS NEXT DAY AIR**

**FEE RECEIVED**

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

MAY 27 2003

**SURFACE  
TRANSPORTATION BOARD**

Attention: Victoria Rutson

**RE: Proposed Abandonment of a Western Portion of the Bristow Subdivision  
from M.P. 318.66 near Hampton to M.P. 326.50 near Coulter, a distance of  
7.84 miles in Franklin County, Iowa; STB Docket No. AB-33 (Sub-No. 201X)**

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. 201X). Enclosed is a voucher for \$4,700 for the filing fee.

Sincerely yours,

*Mack H. Shumate, Jr.*  
Mack H. Shumate, Jr.  
Senior General Attorney

ENTERED  
Office of Proceedings

MAY 27 2003

Part of  
Public Record

Enclosures

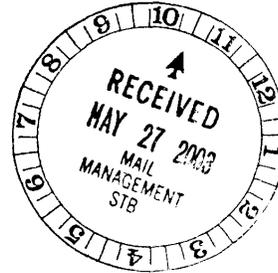
Mack H. Shumate, Jr.  
Senior General Attorney, Law Department

O:\ABANDONMENTS\33-201X\STB.WPD

UNION PACIFIC RAILROAD  
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718  
ph. (312) 777-2055 fx. (312) 777-2065

01

Surface Transportation Board  
Section of Environmental Analysis  
May 23, 2003  
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 50309

Franklin County Board of Supervisors  
County Courthouse  
PO Box 26  
Hampton, IA 50440-0026

Mr. Gaylan Brunssen  
General Manager  
AgVantage FS, Incorporated  
PO Box 409  
New Hampton, IA 50659-0409

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

STB No. AB-33 (Sub-No. 201X)  
Notice of Petition for Exemption to Abandon or  
to Discontinue Service



On May 27, 2003, Union Pacific Railroad Company filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for the abandonment of a line of railroad known as a Western Portion of the Bristow Subdivision from M.P. 318.66 near Hampton, Iowa to M.P. 326.50 near Coulter, Iowa, a distance of 7.84 miles in Franklin County, Iowa (the "Line"). The Line traverses U. S. Postal Service Zip Codes 50431 and 50441. The proceeding has been docketed as No. AB-33 (Sub-No.201X). 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 other public use, including 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.

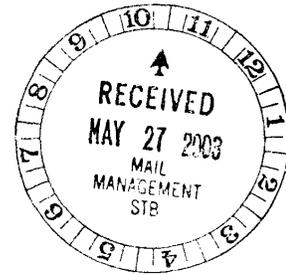
Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR Part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis, 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. 201X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN FRANKLIN COUNTY, IOWA  
(A WESTERN PORTION OF THE BRISTOW SUBDIVISION)



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 of operations over a western portion of the Bristow Subdivision from Milepost 318.66 near Hampton, Iowa, to Milepost 326.50 near Coulter, Iowa, a distance of 7.84 miles in Franklin County, Iowa. There are no shippers on the Line that will be adversely affected by the proposed abandonment. Currently, AgVantage FS, Incorporated ("AgVantage") is the only customer on the Line. AgVantage is aware of the proposed abandonment, and it will not have an adverse effect on AgVantage. AgVantage has already terminated its rail use on the Line by trucking grain to its recently enlarged facility on UP at Chapin, Iowa. Rail service will continue to be provided by UP at both Chapin and Hampton, Iowa. A copy of this petition has been provided to AgVantage.

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 State of Iowa, near the towns of Hampton and Coulter.

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 of a western portion of the Bristow Subdivision from M.P. 318.66 near Hampton to M.P. 326.50 near Coulter, a distance of 7.84 miles in Franklin County, Iowa.

The Line was constructed by the Mason City and Fort Dodge Railroad in 1902. The Line is laid with 85-pound rail. The Line contains reversionary interest property

but no federally granted right of way. Upon abandonment the rail might be retained for subsequent use or sold to a salvage company.

The Line traverses U.S. Postal Service Zip Codes 50431 and 50441.

A map of the Line is attached as **Attachment 1**.

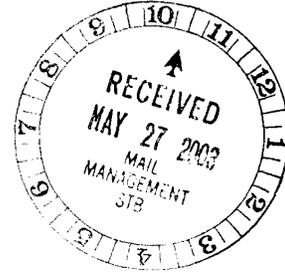


#### IV.

#### SHIPPER INFORMATION

The Line's only source of rail activity in the past two years has been AgVantage FS, Incorporated at New Hampton, Iowa. The abandonment will not have an adverse effect on AgVantage, who is aware of the abandonment. No traffic diversion to other modes will occur because of this action. Currently, AgVantage FS, Incorporated ("AgVantage") is the only customer on the Line. In 2001, AgVantage shipped or received 753 cars (76,400 tons) of Corn (STCC 0113215); 9 cars (888 tons) of Potash (STCC 2812534); 2 cars (195 tons) of Urea (STCC 2818170); 6 cars (601 tons) of Diammonium Phosphate (STCC 2871235); and 1 car (100 tons) of Superphosphate (STCC 2871250). In 2002, AgVantage shipped 942 cars (94,643 tons) of Corn, 8 cars (797 tons) of Potash, and 6 cars (599 tons) of Diammonium Phosphate. AgVantage is aware of the proposed abandonment, and it will not have an adverse effect on AgVantage. AgVantage has already terminated its rail use on the Line by trucking grain to its recently enlarged facility on UP at Chapin, Iowa. Rail service will continue to be provided by UP at Hampton, Iowa. Coulter lies on a state road approximately one mile east of Interstate 35, a major north-

south route. The abandonment will not have an adverse effect on AgVantage FS, Incorporated, who supports the abandonment.



V.

REASONS FOR THE ABANDONMENT

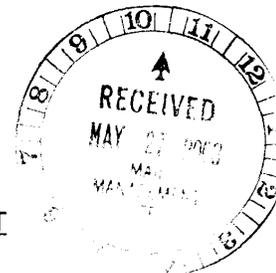
This is an agricultural area already served by existing and expanded elevator facilities at both Chapin and Hampton, Iowa. UP is not aware of any other industry planning a location along the Line and there is no overhead traffic. There are no reasonable alternatives to abandonment of the Line. Traffic levels on the Line do not justify its continued operation and maintenance. Recent train service was provided on an as need basis.

Therefore, when considering the enlarged AgVantage facility near the Line at Chapin, Iowa, potential harm to affected shippers and communities is non-existent in this matter and arguably enhanced by utilization of the enlarged AgVantage facility. UP is of the opinion that the proposed abandonment would be beneficial to both the UP, area shippers and interstate commerce.

VI.

REASONABLE ALTERNATIVE; VIABILITY

There appears to be no reasonable alternative to this abandonment. The only shipper on the Line, AgVantage, supports the abandonment and there are no known expected shippers on the Line.



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 permit UP to enhance its service to the enlarged AgVantage facility at Chapin, Iowa resulting in cost savings to UP and thereby enhancing UP's ability to compete with other Iowa rail carriers consistent with Sections 10101(4) and (5). 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.

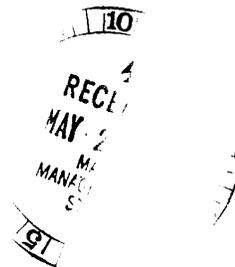
The proposed abandonment is clearly a transaction of "limited scope." The Line is only 7.84 miles long and will have no recurring local traffic. In addition, regulation of this abandonment is not needed to protect shippers from an abuse of market power, since the only local shipper does not oppose abandonment of the Line, and in fact fully supports abandonment as part of the overall project.

VIII.

LAND AREA, FEDERAL GRANT INFORMATION, AND PUBLIC USE

The right-of-way consists of approximately 95.99 acres. The right-of-way is generally 100 feet in width and is adjacent to fair to good agricultural land. The proposed abandonment starts near Hampton, Iowa, on the east and ends near Coulter, Iowa, on the west. The topography varies from flat to gently sloping and is adjacent to fair to good agricultural land. This segment of the Line may be suitable for trail use. The Franklin County Commissioner's Office has been contacted but no response has been received. Otherwise, sale of the non-reversionary property will be to the adjoining landowners.

Based on information in UP's possession, the Line does not contain federally granted rights of way. UP is unaware of any adverse effect on local and existing land use plans. Any 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 March 5, 2003. 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 March 4, 2003 for filing.

Subsequent to the filing of the combined Environmental and Historic Report one additional comment letter was received from the Fish and Wildlife Service of the United States Department of the Interior. This letter indicates that the Fish and Wildlife Service has no concerns regarding real estate matters related to the abandonment. A copy of the letter dated May 8, 2003, is attached hereto as **Attachment 3** and hereby made a part hereof.

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.

**VERIFICATION**

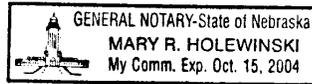
STATE OF NEBRASKA    )  
  ) ss:  
COUNTY OF DOUGLAS    )

I, RAYMOND E. ALLAMONG, JR., Manager Rail Line Planning of Union Pacific Railroad Company, declare under penalty of perjury, under the laws 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. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, I know that these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.

Dated at Omaha, Nebraska, this eighth day of May, 2003.

Raymond E. Allamong, Jr.  
Raymond E. Allamong, Jr.

SUBSCRIBED AND SWORN TO  
before me this eighth day of  
May, 2003.



Mary R. Holewinski  
Notary Public

My Commission expires: October 15, 2004

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. 201X) 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

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

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

Franklin County Board of Supervisors  
County Courthouse  
P. O. Box 26  
Hampton, IA 50440-0026

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

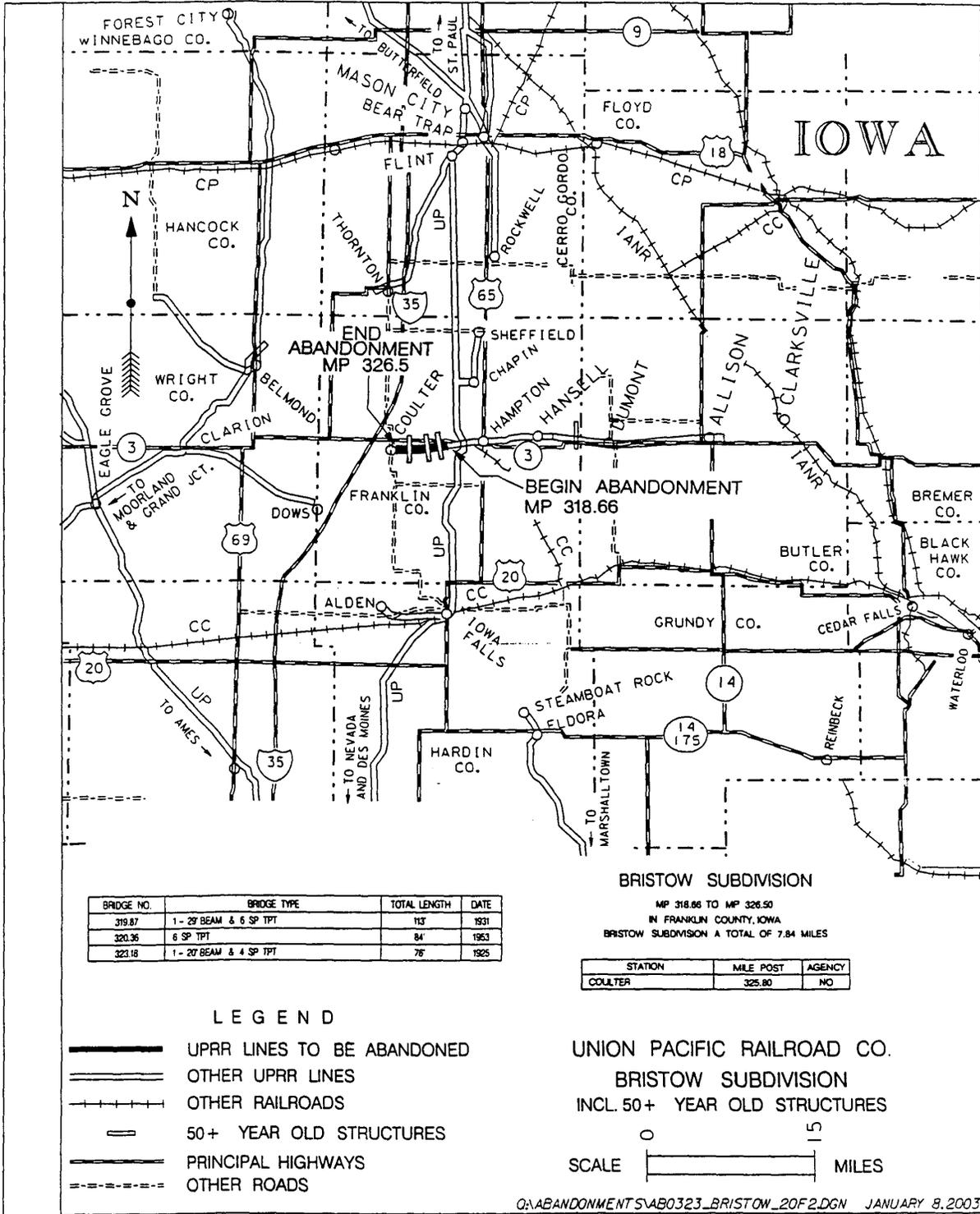
The undersigned further certifies that a notice of the abandonment was published one time in the County where the rail line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Franklin	<i>Hampton Chronicle</i>	March 19, 2003

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 22nd day of May, 2003.

  
Charles W. Saylor



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
319.87	1 - 20' BEAM & 6 SP TPT	113'	1931
320.36	6 SP TPT	84'	1953
323.18	1 - 20' BEAM & 4 SP TPT	78'	1925

**BRISTOW SUBDIVISION**  
 MP 318.66 TO MP 326.50  
 IN FRANKLIN COUNTY, IOWA  
 BRISTOW SUBDIVISION A TOTAL OF 7.84 MILES

STATION	MILE POST	AGENCY
COULTER	325.80	NO

**LEGEND**

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

UNION PACIFIC RAILROAD CO.  
 BRISTOW SUBDIVISION  
 INCL. 50+ YEAR OLD STRUCTURES

SCALE MILES

Q:\ABANDONMENTS\AB0323\_BRISTOW\_20F2.DGN JANUARY 8, 2003

# Attachment 1

UNION PACIFIC RAILROAD

# Attachment 2

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

March 4, 2003

VIA U.P.S. OVERNIGHT

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



**Attention:** Victoria Rutson

**RE: Proposed Abandonment of a Western Portion of the Bristow Subdivision from M.P. 318.66 near Hampton to M.P. 326.50 near Coulter, a distance of 7.84 miles in Franklin County, Iowa; STB Docket No. AB-33 (Sub-No. 201X)**

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 March 25, 2003.

Sincerely,

Mack H. Shumate, Jr.  
Senior General Attorney

Enclosures

**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 each County:**

Franklin County Board of Supervisors  
County Courthouse  
P. O. Box 26  
Hampton, IA 50440-0026

**Environmental Protection Agency (regional office):**

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

USDA Natural Resource Conservation Service  
693 Federal Bldg.  
210 Walnut Street  
Des Moines, IA 50309

**National Geodetic Survey:**

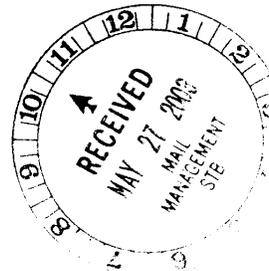
National Geodetic Survey  
Edward J. McKay, Chief  
Spatial Reference System Division  
NOAA N/NGS2  
1315 E-W Highway  
Silver Spring, MD 20910-3282

**State Historic Preservation Office:**

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

**Shipper:**

Mr. Gaylan Brunssen  
General Manager  
AgVantage FS, Incorporated  
P. O. Box 409  
New Hampton, IA 50659-0409



0217

**UNION PACIFIC RAILROAD COMPANY**

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



March 4, 2003

RONALD J. CUCHNA  
GENERAL SOLICITOR  
312-777-2040



GEORGE H. BRANT  
312-777-2051  
MACK H. SHUMATE, JR.  
312-777-2055  
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FREDERICK P. JOHNSTON, JR.  
312-777-2047

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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  
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693 Federal Building  
210 Walnut Street  
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(if applicable):

Not applicable.

Head of each County:

Franklin County Board of Supervisors  
County Courthouse  
P. O. Box 26  
Hampton, IA 50440-0026

Environmental Protection Agency  
(regional office):

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

USDA Natural Resource Conservation  
Service  
693 Federal Bldg.  
210 Walnut Street  
Des Moines, IA 50309-2180

National Geodetic Survey:

National Geodetic Survey  
Edward J. McKay, Chief  
Spatial Reference System Division  
NOAA N/NGS2  
1315 E-W Highway  
Silver Spring, MD 20910-3282

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600 East Locust Street  
Des Moines, IA 50319-0290

Shipper:

Mr. Gaylan Brunssen  
General Manager  
AgVantage FS, Incorporated  
P. O. Box 409  
New Hampton, IA 50659-0409

Re: Docket No. AB-33 (Sub-No. 201X), Union Pacific Railroad  
Company - Abandonment of a Western Portion of the  
Bristow Subdivision -- In Franklin County, IA

6318



Dear Sirs:

On or after March 25, 2003, we expect to be filing with the Surface Transportation Board (STB or Board) a Petition for Exemption seeking authority to abandon a Western portion of the Bristow Subdivision from M. P. 318.66 near Coulter to M. P. 326.50 near Hampton, a distance of 7.84 miles in Franklin County, Iowa (the "Line"). The Line traverses U. S. Postal Service Zip Codes 50431 and 50441. 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 the STB will use for its 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 Numbers:

Surface Transportation Board  
Section of Environmental Analysis (SEA)  
1925 K Street, N.W., Room 504  
Washington, D.C. 20423-0001  
Telephone (202) 565-1545

The applicable statutes and regulations impose stringent deadlines for processing this action, so your written comments to SEA (with a copy to our representative) would be appreciated within three weeks.

The Board will consider your comments in evaluating the environmental and/or historic preservation impacts of the contemplated action. Please direct any questions concerning this proposal to our representative at the addresses and telephone numbers indicated on this letterhead.

Sincerely yours,

  
Mack H. Shumate, Jr.  
Senior General Attorney

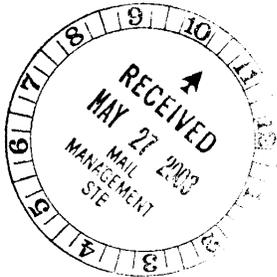
BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-33 (Sub-No. 201X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN FRANKLIN COUNTY, IA  
(A WESTERN PORTION OF THE BRISTOW SUBDIVISION)

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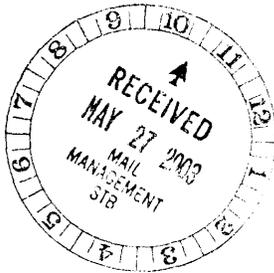
Combined Environmental and Historic Report

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: March 4, 2003  
Filed: March 5, 2003

65



BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-33 (Sub-No. 201X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN FRANKLIN COUNTY, IA  
(A WESTERN PORTION OF THE BRISTOW SUBDIVISION)

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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 abandonment of a Western portion of the Bristow Subdivision from M. P. 318.66 near Hampton to M. P. 326.50 near Coulter, a distance of 7.84 miles in Franklin County, Iowa (the "Line").

The Line traverses U. S. Postal Service Zip Codes 50431 and 50441.

UP anticipates that a Petition For Exemption to discontinue service on the Line will be filed at the STB on or after March 25, 2003.

A map of the Line is attached as **Attachment No. 1**. UP's letter to federal, state and local government agencies is marked **Attachment No. 2**. Responses received to the 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:** UP proposes to abandon a Western portion of the Bristow Subdivision from M. P. 318.66 near Hampton to M. P. 326.50 near Coulter, a distance of 7.84 miles in Franklin County, Iowa. Currently, AgVantage FS, Incorporated ("AgVantage") is the only customer on the Line. In 2001, AgVantage shipped or received 753 cars (76,400 tons) of Corn (STCC 0113215); 9 cars (888 tons) of Potash (STCC 2812534); 2 cars (195 tons) of Urea (STCC 2818170); 6 cars (601 tons) of Diammonium Phosphate (STCC 2871235); and 1 car (100 tons) of Superphosphate (STCC 2871250). In 2002, AgVantage shipped 942 cars (94,643 tons) of Corn, 8 cars (797 tons) of Potash, and 6 cars (599 tons) of Diammonium Phosphate. AgVantage is aware of the proposed abandonment, and it will not have an adverse effect on AgVantage. AgVantage has already terminated its rail use on the Line by trucking grain to its recently enlarged facility on UP at Chapin, Iowa. Rail service will continue to be provided by UP at Hampton, Iowa. Coulter lies on a state road approximately one mile east of Interstate 35, a major north-south route.

UP is not aware of any other industry planning a location along the Line and there is no overhead traffic. There are no reasonable alternatives to abandonment of the Line. Traffic levels on the Line do not justify its continued operation and maintenance. Recent train service was provided on an as needed basis.

The Line was constructed by the Mason City and Fort Dodge Railroad in 1902. The Line is laid with 85-pound rail. The Line contains reversionary interest property but no federally granted right of way. Upon abandonment the rail might be retained for subsequent use or sold to a salvage company.

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's only source of rail activity in the past two years has been AgVantage FS, Incorporated at New Hampton, Iowa. The abandonment will not have an adverse effect on AgVantage, who is aware of the abandonment. No traffic diversion to other modes will occur because of this action.

(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. The Franklin County Commissioners Office has been contacted. To date no response has been received.

(ii) The United States Natural Resources Conservation Service has been contacted, and they state the proposed track abandonment will not affect any prime agricultural lands unless water conveyance systems are adversely affected. The NRCS response is marked **Attachment No. 3** and is attached hereto and hereby made a part hereof.

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

(iv) UP believes the property proposed for abandonment is not suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, because the area, with its limited population base, is adequately service by existing roads and utility lines. The property would be well suited for trail purposes.

(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.

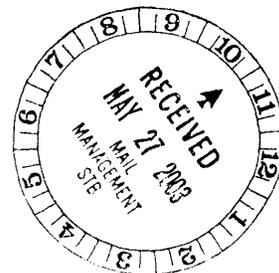
**Response:** (i) There will be no effect on the transportation of energy resources.

(ii) There will be no effect on recyclable commodities.

(iii) There is little if any change in rail activity resulting from the proposed action, so there should be no discernible effect on energy efficiency.

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

(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 such magnitude resulting from 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 abandonment 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) UP is unaware of any 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. To date UP has received no response.

(ii) UP is not aware of any wildlife sanctuaries or refuges, or of 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. (Applicant 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 Iowa Department of Natural has been contacted. To date UP has received no response.

(ii) The U.S. Army Corps of Engineers has been contacted and determined that the proposed abandonment does not require a Department of the Army Section 404 permit. The Corps of Engineers response is marked **Attachment No. 4** and is attached hereto and hereby made a part hereof.

(iii) It is not anticipated there will be any requirements for Section 402 permits.

(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 Line is generally 100 feet in width and is adjacent to fair to good agricultural land. The topography varies from flat to gently sloping.

(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:** The State Historical Society of Iowa was provided with original photographs of three (3) bridges 50 years old or older. A copy of the letter to the Historical Society and pictures are attached hereto as **Attachment No. 5**, and hereby made a part hereof. UP is currently awaiting the Historical Society's response.

(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:** The bridges and their dates of construction are listed on the map, **Attachment No. 1**, and in the letter, **Attachment No. 5**.

(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.

(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 bridge drawings are available.

(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 on the Line or in the project area. UP has reviewed the bridge photographs and believe that the bridges on the Line over fifty years old are not historically significant. The bridges typically found on the Line are of a common standard railroad construction and of little historical significance. UP also believes that any archeological sites within the scope of the right-of-way would have previously been disturbed during the construction of the Line.

(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:** UP does not have any such readily available information.

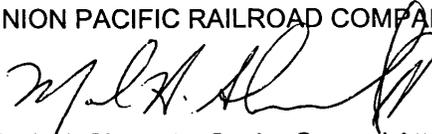
(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or group of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties 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 4th day of March, 2003.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



Mack H. Shumate, Senior General Attorney  
101 North Wacker Drive, Room 1920  
Chicago, IL 60606  
(312) 777-2055  
(312) 777-2065 FAX

**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. 201X) for a Western portion of the Bristow Subdivision in Franklin County, Iowa was served by first class mail on the 4th day of March, 2003 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

**U.S. Army Corps of Engineers:**

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

**State Environmental Protection Agency:**

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

**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

**State Coastal Zone Management Agency**  
**(if applicable):**

Not applicable.

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

USDA Natural Resource Conservation Service  
693 Federal Bldg.  
210 Walnut Street  
Des Moines, IA 50309

**Head of each County:**

Franklin County Board of Supervisors  
County Courthouse  
P. O. Box 26  
Hampton, IA 50440-0026

**National Geodetic Survey:**

National Geodetic Survey  
Edward J. McKay, Chief  
Spatial Reference System Division  
NOAA N/NGS2  
1315 E-W Highway  
Silver Spring, MD 20910-3282

**Environmental Protection Agency**  
**(regional office):**

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

**State Historic Preservation Office:**

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

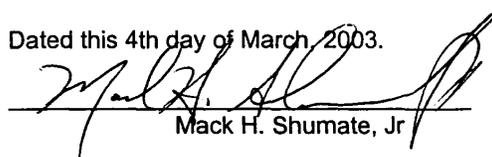
**U.S. Fish and Wildlife:**

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

**Shipper:**

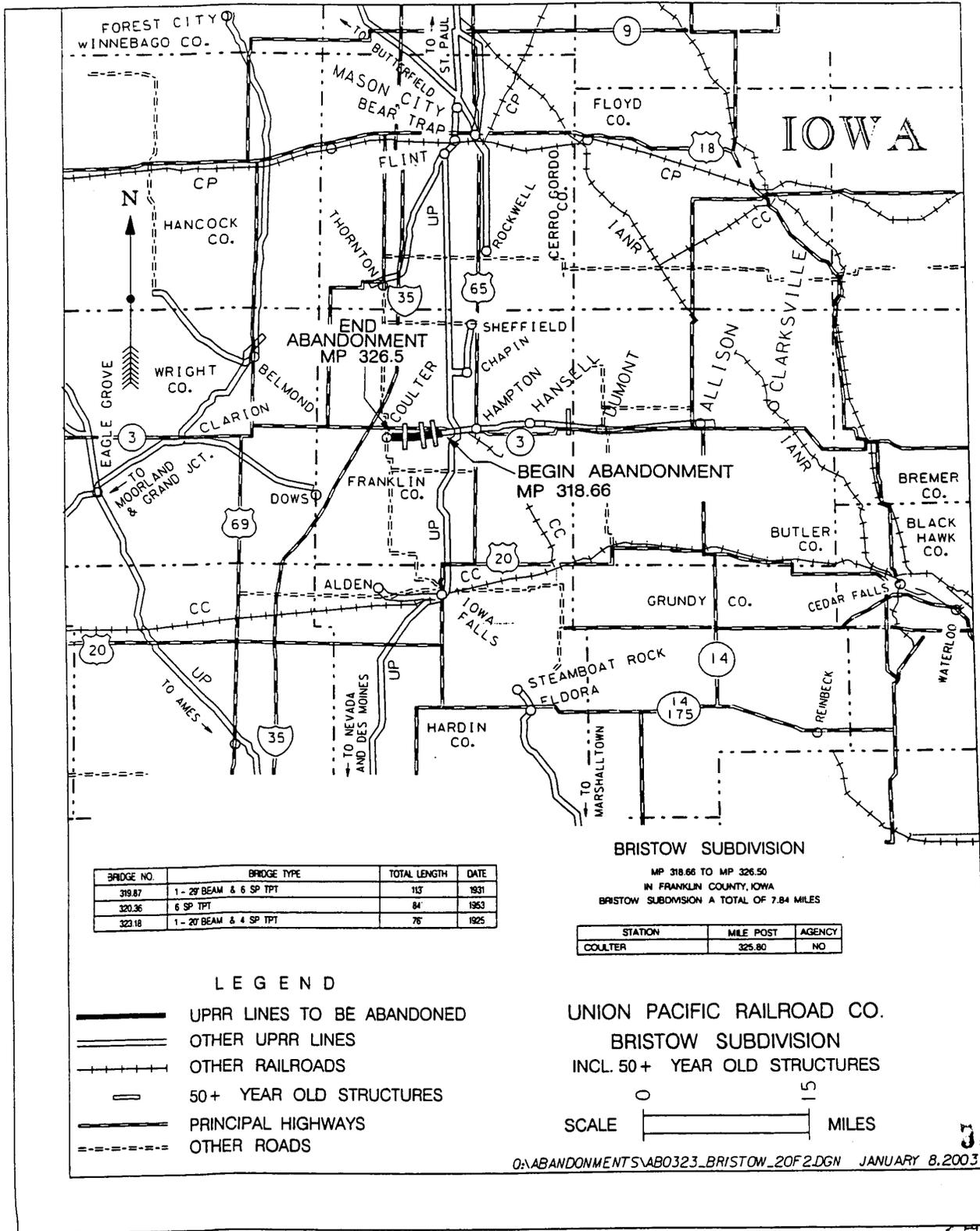
Mr. Gaylan Brunssen  
General Manager  
AgVantage FS, Incorporated  
P. O. Box 409  
New Hampton, IA 50659-0409

Dated this 4th day of March, 2003.

  
Mack H. Shumate, Jr

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BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
319.87	1 - 20' BEAM & 6 SP TPT	113'	1931
320.36	6 SP TPT	84'	1963
323.18	1 - 20' BEAM & 4 SP TPT	76'	1925

**BRISTOW SUBDIVISION**

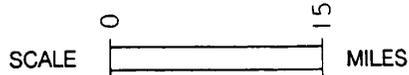
MP 318.66 TO MP 326.50  
 IN FRANKLIN COUNTY, IOWA  
 BRISTOW SUBDIVISION A TOTAL OF 7.84 MILES

STATION	MILE POST	AGENCY
COULTER	325.80	NO

**LEGEND**

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

UNION PACIFIC RAILROAD CO.  
 BRISTOW SUBDIVISION  
 INCL. 50+ YEAR OLD STRUCTURES



CHARLES W. SAYLORS  
DIRECTOR LEGAL SUPPORT SERVICES

## UNION PACIFIC RAILROAD COMPANY



1416 DODGE STREET  
OMAHA, NEBRASKA 68179  
(402) 271-4861  
(402) 271-5625 (FAX)

January 13, 2003

**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 each County:**

Franklin County Board of Supervisors  
County Courthouse  
P. O. Box 26  
Hampton, IA 50440-0026

**Environmental Protection Agency  
(regional office):**

U.S. Environmental Protection Agency  
Region VII  
901 North 5th Street  
Kansas City, KS 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  
800 North Capitol Street, NE., Room 5005  
Washington, D.C. 20002

**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  
Edward J. McKay, Chief  
Spatial Reference System Division  
NOAA N/NGS2  
1315 E-W Highway  
Silver Spring, MD 20910-3282

**State Historic Preservation Office:**

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

**Shipper:**

Mr. Gaylan Brunssen  
General Manager  
AgVantage FS, Incorporated  
P. O. Box 409  
New Hampton, IA 50659-0409

Re: Proposed Abandonment of the Bristow Subdivision from M. P. 318.66 near Coulter to M. P. 326.50 near Hampton, a distance of 7.84 miles in Franklin County, Iowa; STB Docket No. AB-33 (Sub-No. 201X)

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon the Bristow Subdivision from M. P. 318.66 near

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Coulter to M. P. 326.50 near Hampton, a distance of 7.84 miles in Franklin 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 40 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. We do not anticipate any adverse environmental impacts; however, if you identify any adverse environmental impacts, 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.

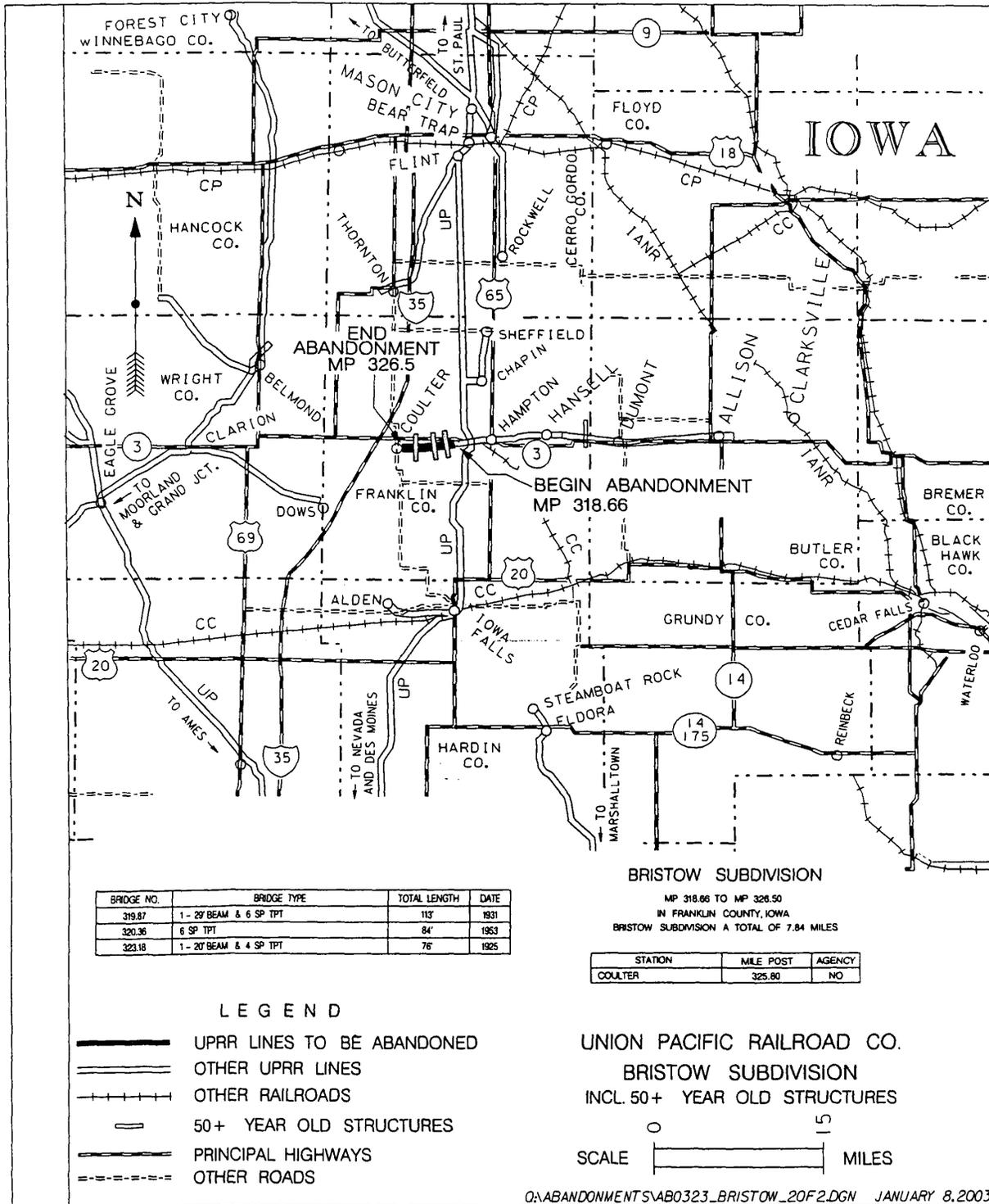
U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials 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) 271-4861.

Yours truly,

  
Charles W. Saylor

Attachment



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
319.87	1 - 29' BEAM & 6 SP TPT	113'	1931
320.36	6 SP TPT	84'	1963
323.18	1 - 20' BEAM & 4 SP TPT	76'	1925

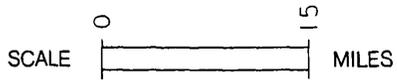
BRISTOW SUBDIVISION  
 MP 318.66 TO MP 326.50  
 IN FRANKLIN COUNTY, IOWA  
 BRISTOW SUBDIVISION A TOTAL OF 7.84 MILES

STATION	MILE POST	AGENCY
COULTER	325.80	NO

LEGEND

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

UNION PACIFIC RAILROAD CO.  
 BRISTOW SUBDIVISION  
 INCL. 50+ YEAR OLD STRUCTURES



United States Department of Agriculture



Natural Resources Conservation Service  
210 Walnut Street  
693 Federal Building  
Des Moines, IA 50309-2180

January 21, 2003

Ref: STB Docket No. AB-33  
(Sub-No. 201X)  
Franklin County, IA

Mr. Charles W. Saylor  
Director  
Legal Support Services  
Union Pacific Railroad Company  
1416 Dodge Street  
Omaha, Nebraska 68179

Dear Mr. Saylor:

Please change your form letter from U.S. Soil Conservation Service to read USDA Natural Resources Conservation Service.

The proposed track abandonment will not affect any prime agricultural lands unless water conveyance systems are adversely affected. Research should be undertaken to identify those systems and to address proper activities in and around them.

Specific site information can be obtained from Margaret Mueller, District Conservationist, Natural Resources Conservation Service, 115 Second Avenue NW, Hampton, Iowa 50441-1723, (641) 456-2157.

Sincerely,

  
Leroy Brown  
State Conservationist



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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>

January 15, 2003

Operations Division

SUBJECT: CEMVR-OD-P-439320

Mr. Charles Saylor  
Union Pacific Railroad Company  
1416 Dodge Street  
Omaha, Nebraska 68179

Dear Mr. Saylor:

Our office reviewed your letter dated January 13, 2003, concerning the proposed abandonment of the Bristow Subdivision from Mile Post 318.66 to Mile Post 326.50 in Franklin 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 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.

Although a DA Section 404 permits 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: (w/o enclosures)

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



33  
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CHARLES W. SAYLORS  
DIRECTOR-LEGAL SUPPORT SERVICES

UNION PACIFIC RAILROAD COMPANY

1416 DODGE STREET  
OMAHA, NEBRASKA 68179  
(402) 271-4861



January 13, 2003

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 Bristow Subdivision from M. P. 318.66 near Hampton to M. P. 326.50 near Coulter, a distance of 7.84 miles in Franklin County, Iowa; STB Docket No. AB-33 (Sub-No. 201X)

Dear Ms. Foster:

Enclosed for your review are photographs of the three bridges located on the Bristow Subdivision from M. P. 318.66 to M. P. 326.50 which are 50 years or older. The bridges are described as follows:

<u>Milepost</u>	<u>Description</u>	<u>Year Constructed</u>
319.87	1 - 29' Beam & 6 SP TPT Total Length: 113 feet	1931
320.36	6 SP TPT Total Length: 84 feet	1953
323.18	1 - 20' Beam & 4 SP TPT Total Length: 76 feet	1925

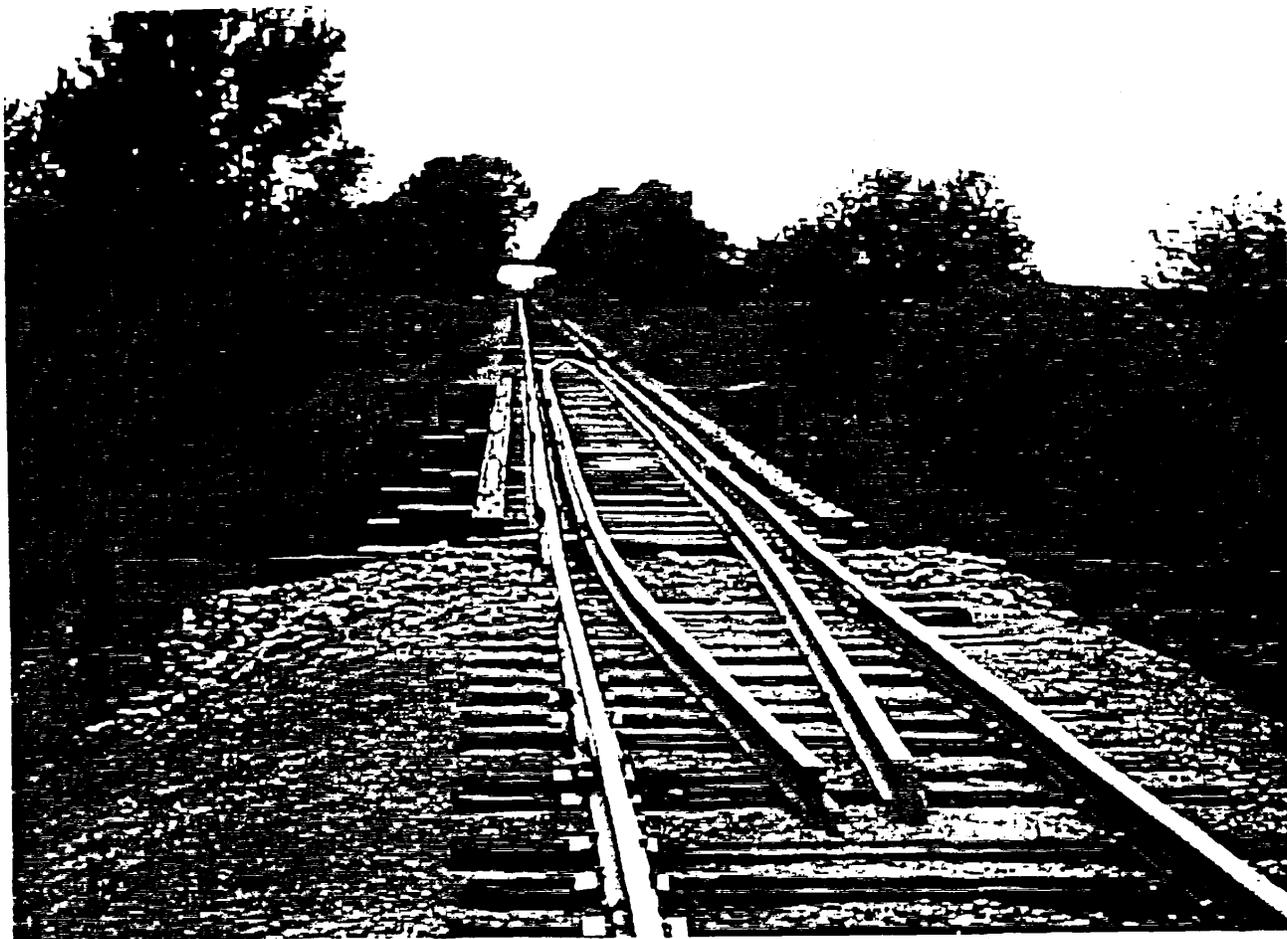
Please advise if you believe there is historical significance to any of the bridges. Thank you for your assistance.



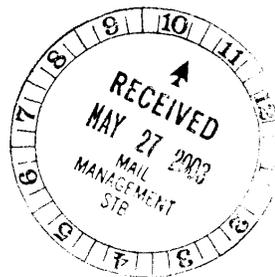
Sincerely,

*Charles W. Saylor*  
Charles W. Saylor  
(402) 271-4861

33  
24



Milepost 319.87



40

25



Milepost 319.87



41

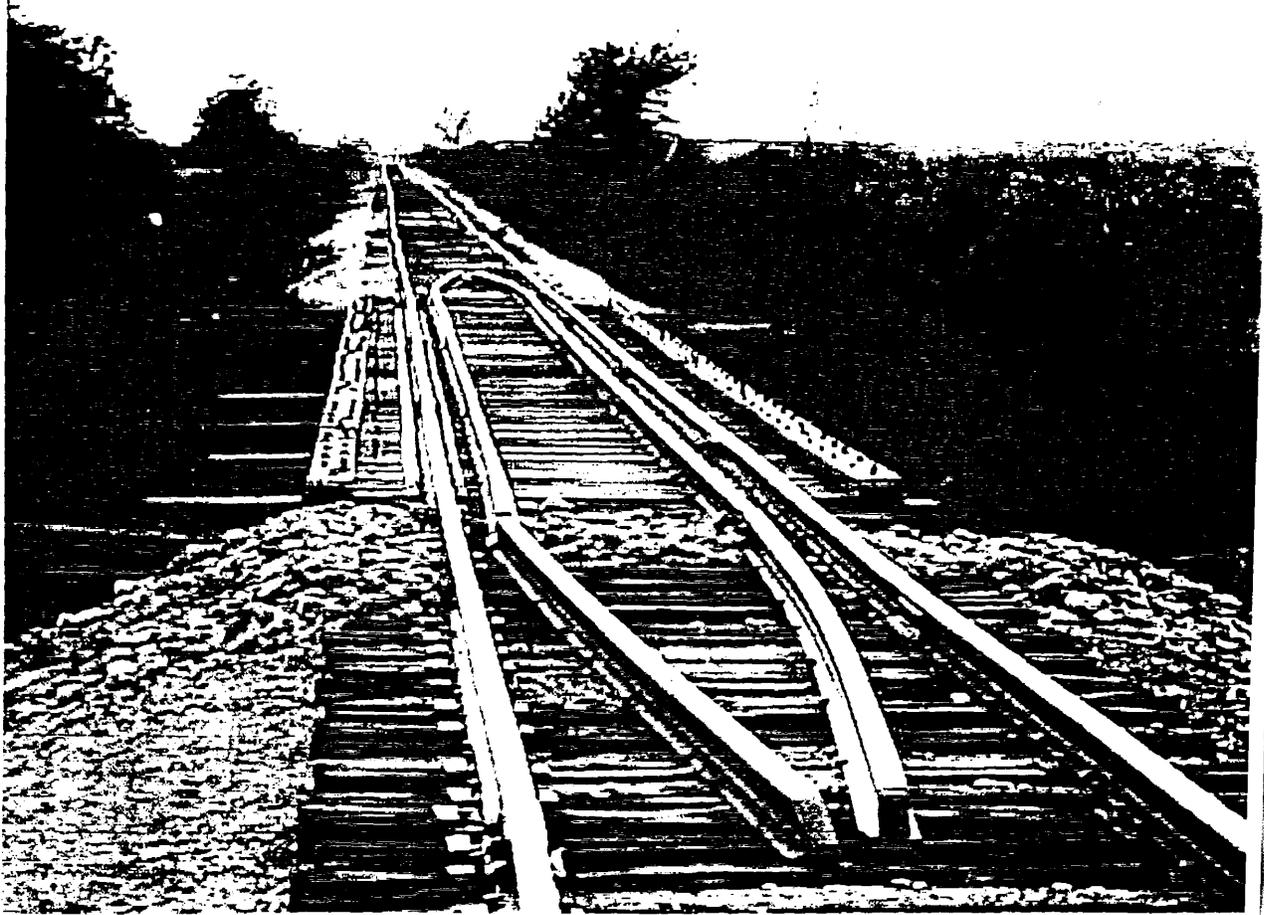
2



Milepost 319.87



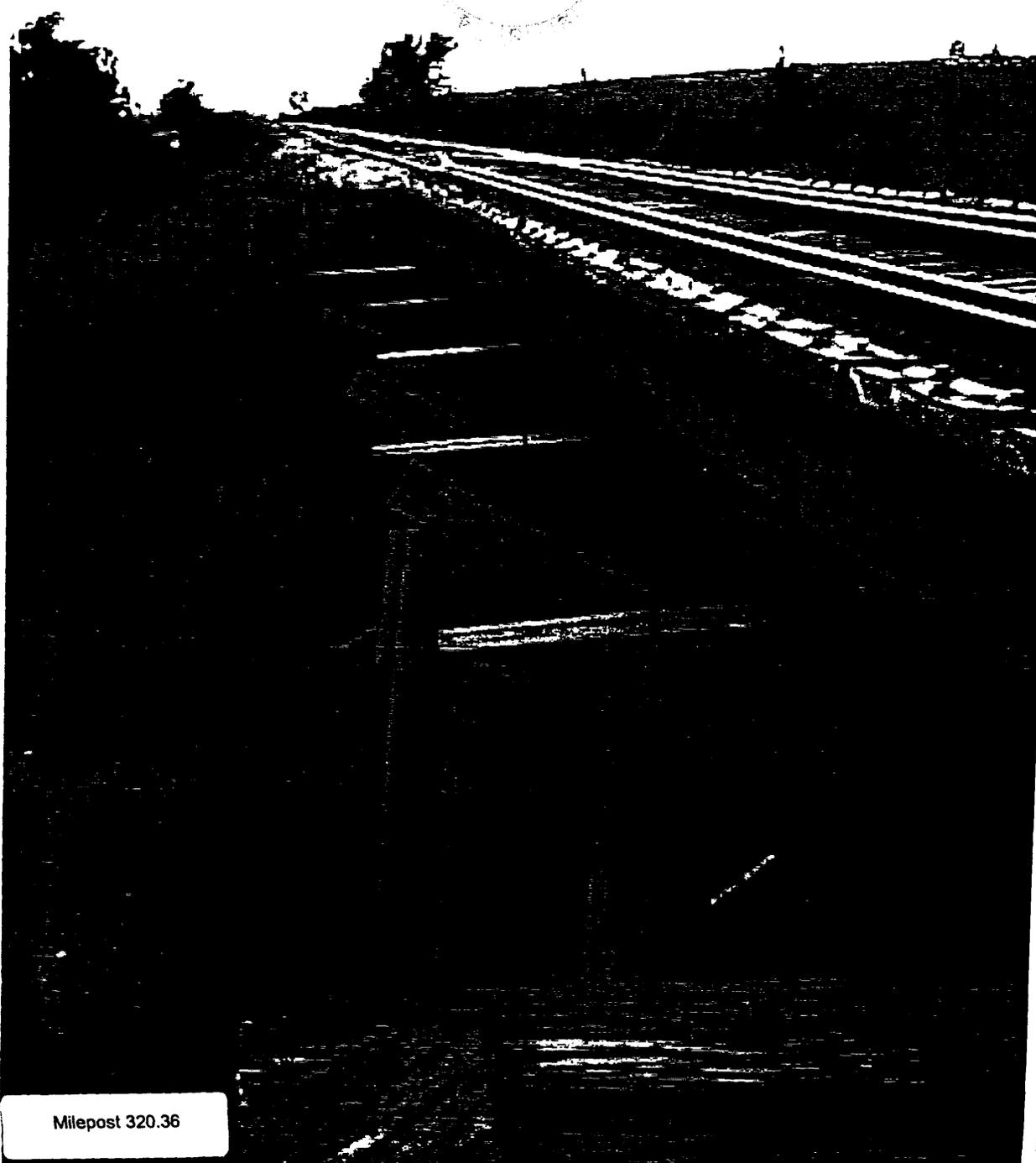
42  
27



Milepost 320.36



42  
28

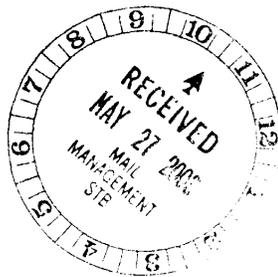


Milepost 320.36

29

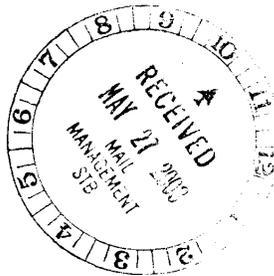


Milepost 323.18





Milepost 323.18



31

40



IN REPLY REFER TO:

## United States Department of the Interior

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

**RECEIVED**

MAY 10 2003

LAW DEPARTMENT  
UNION PACIFIC RR CO

FWS/NWRS-RE - General

May 8, 2003

Mr. Mack H. Shumate, Jr.  
Union Pacific Railroad  
Law Department  
101 North Wacker Drive  
Suite 1920  
Chicago, Illinois 60606

Dear Mr. Shumate:

Thank you for the opportunity to comment on the proposed abandonment of the rail line from M.P. 318.66 near Hampton to M.P. 326.50 near Coulter, in Franklin County, Iowa; STB Docket No. AB-33 (Sub-No. 201X).

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.

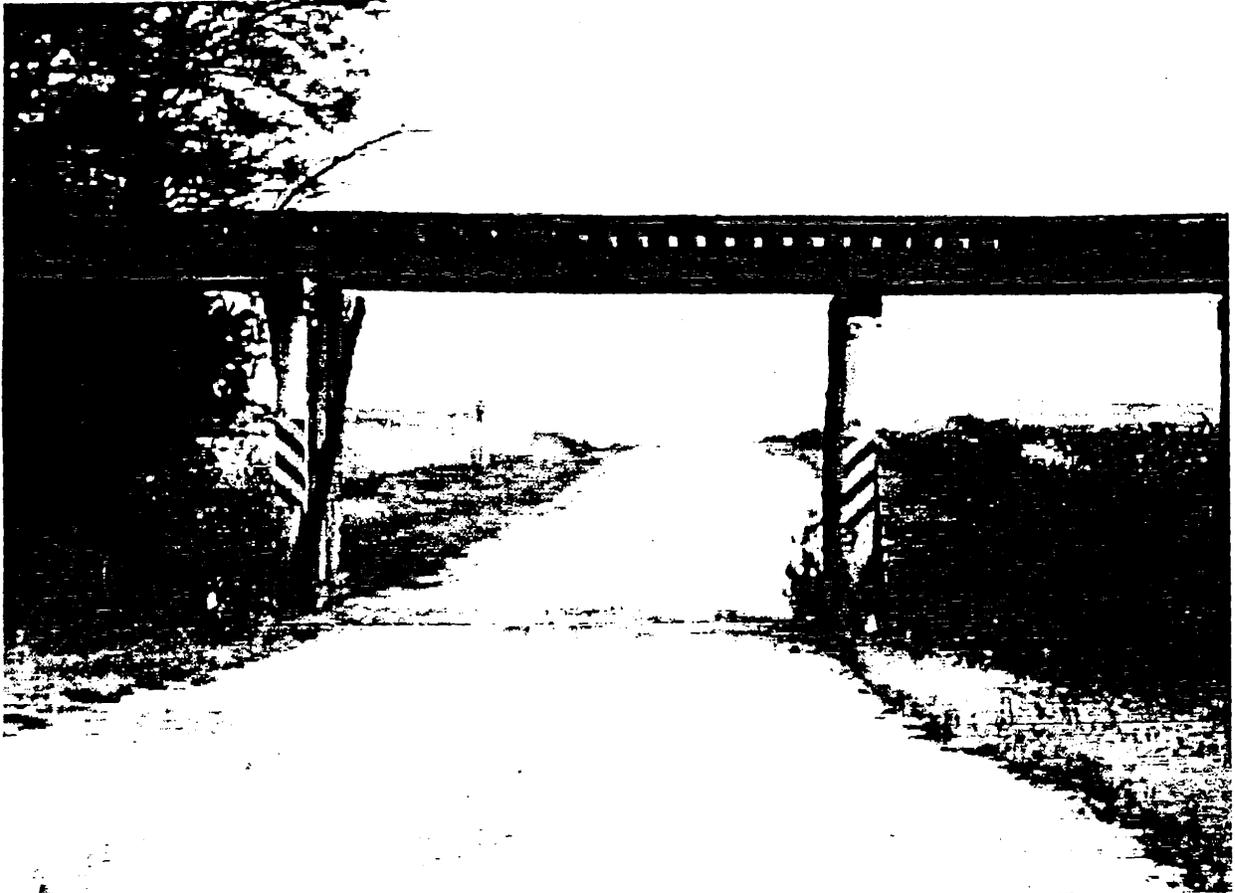
Sincerely,

Patrick G. Carroll  
Senior Realty Officer  
Division of Realty

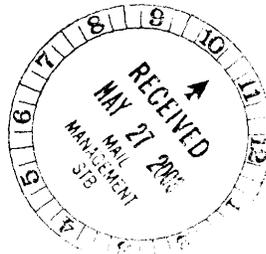


48

# Attachment 3



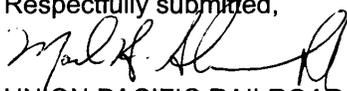
Milepost 323.18



4752

Dated this 23<sup>rd</sup> day of May, 2003.

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

O:\ABANDONMENTS\33-201\IPET.WPD