

D.D #0102215002

208409



July 15, 2003

VIA U.P.S. OVERNIGHT DELIVERY

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

**FILED**  
JUN 16 2003  
SURFACE  
TRANSPORTATION BOARD

ENTERED  
Office of Proceedings  
JUL 1 2003  
Part of  
Public Record

**RE: Proposed Abandonment of the Ankeny Subdivision from M. P. 10.7 near Ankeny to M. P. 341.1 (Equation: 23.20 = 339.60) near Slater, a distance of 14.0 miles in Polk and Story Counties, Iowa; STB Docket No. AB-33 (Sub-No. 206X)**

Dear Mr. Williams:

Pursuant to the Board's exemption procedures for abandonment of rail lines with no local business for at least two years, (49 C.F.R. 1152.50), enclosed are an original and ten (10) copies of a verified Notice of Exemption, including a Certificate of Service and Publication.

Please file the Notice of Exemption in Docket No. AB-33(Sub-No. 206X). Enclosed is a check for \$2,700.00 for the filing fee. Three (3) computer disks, in WordPerfect format, are included for the Board's use.

**FEE RECEIVED**  
JUN 16 2003  
SURFACE  
TRANSPORTATION BOARD

Sincerely yours,

Mack H. Shumate, Jr.  
Senior General Attorney

Enclosures

O:\ABANDONMENT\33-206x\STB3.wpd

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

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

208409

Before the  
SURFACE TRANSPORTATION BOARD



Docket No. AB-33 (Sub-No. 206X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN POLK AND STORY COUNTIES, IOWA  
(ANKENY SUBDIVISION)

ENTERED  
Office of Proceedings

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**NOTICE OF EXEMPTION**

**FEE RECEIVED**  
JUN 16 2003  
SURFACE  
TRANSPORTATION BOARD

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: July 15, 2003  
Filed: July 16, 2003

**FILED**  
JUN 16 2003  
SURFACE  
TRANSPORTATION BOARD

Before the  
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 206X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN POLK AND STORY COUNTIES, IOWA  
(ANKENY SUBDIVISION)



ENTERED  
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Public Record

**NOTICE OF EXEMPTION**

Union Pacific Railroad Company ("UP") submits this verified Notice of Exemption pursuant to 49 § C.F.R. 1152, Subpart F -- Exempt Abandonments and Discontinuances of Service and Trackage Rights, for an exempt abandonment of the Ankeny Subdivision from milepost 10.7 near Ankeny to milepost 341.1 (Equation:  $23.20 = 339.60$ ) near Slater, a distance of 14.0 miles in Polk and Story Counties, Iowa, (the "Line").

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

The abandonment is proposed to be consummated on or after September 4, 2003 (at least 50 days after filing the Notice of Exemption).

**Certification: 49 C.F.R. 1152.50(b)**

UP certifies that no local traffic has moved over the Line for at least two years; and that no formal complaint filed by a user of rail service on the Line (or filed by a state or local governmental entity acting on behalf of such user) regarding cessation of service over the Line either is pending with this Board or any U.S. District Court or has been decided in favor of the complainant within the two-year period. The Line is no

longer available as an overhead route in that the station at Woodward , Iowa has been previously abandoned.

**Additional Information Required: 49 C.F.R. 1152.22(a)(1)-(4), (7)-(8) and (e)(4)**

(a) General.

(a)(1) The railroads' exact name is Union Pacific Railroad Company.

(a)(2) UP is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(a)(3) UP intends to abandon the Line from milepost 10.7 near Ankeny, to Milepost 341.1 (Equation:  $23.20 = 339.60$ ) near Slater, a distance of 14.0 miles. The Line is located in Polk and Story Counties, Iowa.

(a)(4) A map showing the location of the Line in conjunction with other rail lines, highways and major roads in the area is attached hereto as **Exhibit A** and hereby made a part hereof.

(a)(7) The representative to whom correspondence regarding this abandonment should be sent is:

Mack H. Shumate, Jr., Senior General Attorney  
Union Pacific Railroad Company  
101 North Wacker Drive, Room 1920  
Chicago, Illinois 60606  
(312) 777-2055  
(312) 777-2065 FAX

(a)(8) ZIP Code. The Line traverses U. S. Postal Service Zip Codes 50015, 50021 and 50244.

(e)(4) Rural and Community Impact. The Line was constructed by the Des Moines and Minneapolis Railway in 1874. The Line is laid with an assortment of rail weights, including primarily 90-pound jointed and 115-pound welded rail, with small amounts of 100-pound jointed and 112-pound jointed and welded rail. There appear to

be no reasonable alternatives to the abandonment. The Line was used recently for overhead traffic destined to Woodward, Iowa, but that station is now abandoned and there is no overhead traffic.

Given that the Line has not been used for local rail shipments for over twenty-four (24) months, there will be no effect on regional or local transportation systems and patterns and no diversion of traffic to other transportation systems or modes. After abandonment, the closest rail service would be provided by UP near Ankeny, Iowa at the beginning of the abandonment. The immediate area of the Line is served by five highways -- Routes 65, 163 and 235 which are east-west routes, and Routes 69 and 35, which are north-south routes.

Based on information in the UP's possession, the Line proposed for abandonment does not contain federally granted right-of-way. 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 because the area is adequately served by existing roads and utility lines. The Line contains reversionary property. UP is unaware of any adverse effects on local and existing land use plans. Polk and Story County officials have been contacted. To date UP has received no response. The Line is generally 100 feet in width and is adjacent to fair to good agricultural land and passes through several small towns. The topography varies from level to hilly. Any documentation so related to the Line, including real estate documentation, in UP's possession regarding UP's real property interest in the Line will be made available upon request.

**Labor Protection**

The interests of railroad employees will be protected by the conditions discussed in Oregon Short Line Railroad Co. -- Abandonment -- Goshen , 360 ICC 91 (1979).

**Certifications**

Attached hereto as **Exhibit B** and hereby made a part hereof is a Certificate of Service and Publication pursuant to the notice requirements of 49 C.F.R. §§ 1152.50(d)(1), 1105.11 and 1105.12.

**Environmental and Historic Report**

A copy of the Transmittal Letter of UP's Combined Environmental and Historic report containing the information required by 49 C.F.R. §§ 1105.7 (e) and 1105.8, and delivered in accordance with 49 C.F.R. 1105.11, is attached hereto as **Exhibit C** and hereby made a part hereof. The original and ten (10) copies were sent to Ms. Victoria Rutson, Section of Environmental Analysis (SEA), on May 22, 2003.

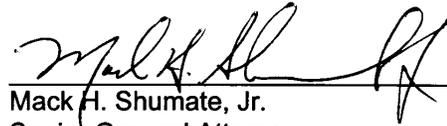
Whether or not the Line or any portion thereof is transferred to Polk or Story Counties, Iowa, all salvage operations, if any, will be performed in accordance with applicable environmental law.

Two (2) additional responses to the Combined Environmental and Historic Report were received by UP and are attached hereto for the Board's review and consideration as **Exhibits D** and **E**, respectively. **Exhibit D** is a response from the United States Department of Agriculture indicating that the abandonment will have no adverse environmental impact on prime agricultural land. **Exhibit E** is a response from the Army Corp of Engineers indicating that no Section 404 permit will be required but places requirements on the performance of the salvage process after abandonment.

Dated this 15<sup>th</sup> day of July, 2003.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", is written over a horizontal line.

Mack H. Shumate, Jr.  
Senior General Attorney

**VERIFICATION**

STATE OF NEBRASKA    )  
  ) ss:  
COUNTY OF DOUGLAS    )

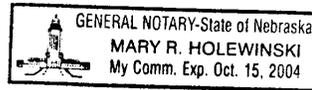
I, RAYMOND E. ALLAMONG, JR., Manager Rail Line Planning of Union Pacific Railroad Company, declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing document and that its assertions are true and correct to the best of my knowledge, information and 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 27th day of June, 2003.

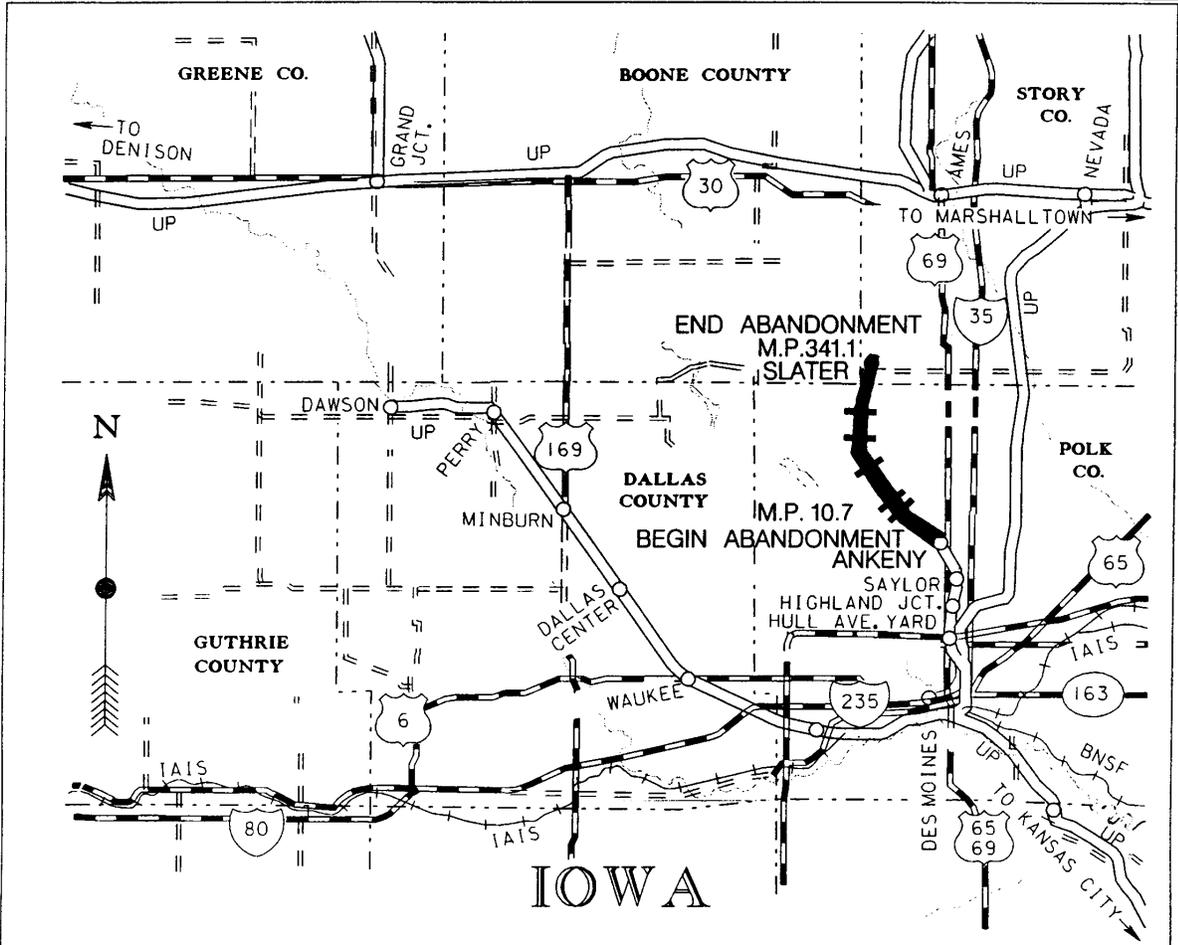
  
Raymond E. Allamong, Jr.

SUBSCRIBED AND SWORN TO  
before me this 27th day of  
June, 2003.

  
\_\_\_\_\_  
Notary Public



My Commission expires: October 15, 2004



STATION	MILE POST	AGENCY
SLATER	339.80	NO

BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
BR 2074	6 SP TPT	84'	1944
BR 2076	1 SP TFT	14'	1953
BR 2081	1- 20' BEAM SPAN	20'	1914
BR 2087	1- 18' BEAM SPAN	18'	1913
BR 2103	1- 24' BEAM SPAN	24'	1913

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

**Ankeny Subdivision**  
M.P. 10.7 TO M.P. 341.1 (EQUATION: 23.20 - 339.60)  
ANKENY SUBDIVISION A TOTAL OF 14.0 MILES  
IN POLK & STORY COUNTIES, IOWA

**UNION PACIFIC RAILROAD  
ANKENY SUBDIVISION**

INCL. 50+ YEAR OLD STRUCTURES



FEBRUARY 14, 2003

AB0328\_SLATER\_ANK.DGN

**DOCKET NO. AB-33 (SUB-NO. 206X)  
Ankeny Subdivision in Polk and Story Counties, IA**

**CERTIFICATE OF SERVICE AND PUBLICATION**

**49 C.F.R. § 1152.50(d)(1) - Notice**

The undersigned certifies that on June 30, 2003 (at least 10 days before a Notice of Exemption is filed), written notice was given of Union Pacific's intent to use the exemption notice procedure to abandon the Ankeny Subdivision in Polk and Story Counties, Iowa in Docket No. AB-33 (Sub-No. 206X). Written notice (a copy of which is attached hereto as Attachment 1) was served on the following:

Director  
Iowa Department of Commerce  
320 Maple Street  
Des Moines, IA 50021

Planning & Programming Division  
Iowa Dept. of Transportation  
800 Lincoln Way  
Ames, IA 50010

National Park Service  
William D. Shaddox  
Chief, Land Resources Division  
1849 "C" St., N.W., #MS3540  
Washington, DC 20240

U.S. Department of Agriculture  
Chief of the Forest Service  
4th Flr. N.W., Auditors Bldg.  
14th St. & Independence Ave., SW  
Washington, DC 20250

Military Traffic Management Command  
Transportation Engr. Agency  
Railroads for National Defense  
720 Thimble Shoals Blvd., Su.130  
Newport News, VA 23606-2574

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

**49 C.F.R. § 1105.11 - Transmittal Letter For Applicant's Report**

The undersigned certifies that on May 22, 2003 (at least 20 days before a Notice of Exemption is filed), a Combined Environmental and Historic Report

pursuant to 49 C.F.R. §§ 1105.7 and 1105.8 was served in Docket No. AB-33 (Sub-No. 206X) for abandonment of the Ankeny Subdivision in Polk and Story Counties, Iowa on the following:

- (1) State Clearinghouse (or alternate)
- (2) State Environmental Protection Agency
- (3) State Coastal Zone Management Agency
- (4) Head of each County
- (5) U.S. Environmental Protection Agency (regional office)
- (6) U.S. Fish and Wildlife Service
- (7) U.S. Army Corps of Engineers
- (8) National Park Service
- (9) U.S. Natural Resources Conservation Service
- (10) The National Geodetic Survey
- (11) State Historic Preservation Office
- (12) Other Agencies Consulted (as listed)

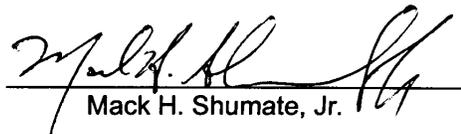
(The Certificate of Service attached to the Combined Environmental and Historic Report lists the names and addresses of the federal, state and local agencies served.)

**49 C.F.R. § 1105.12 - Newspaper Notice**

The undersigned further certifies that a "Notice of Intent to Abandon or to Discontinue Rail Service" was published in the form prescribed by the Board for a Notice of Exemption. The notice was published one time in a major newspaper in the county in which the Line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Polk	<i>The Polk County Press Citizen</i>	July 11, 2003
Story	<i>Slater Tri-County Times</i>	July 10, 2003

Dated this 15th day of July, 2003.

  
Mack H. Shumate, Jr.

May 22, 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 the Ankeny Subdivision from M. P. 10.7 near Ankeny to M. P. 341.1 (Equation: 23.20 = 339.60) near Slater, a distance of 14.0 miles in Polk and Story Counties, Iowa; STB Docket No. AB-33 (Sub-No. 206X)**

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 Notice of Exemption in this matter on or after June 13, 2003.

Sincerely,

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

Mack H. Shumate, Jr.  
Senior General Attorney

Enclosures

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

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

cc: w/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:**

Polk County Board of Supervisors  
111 Court Avenue  
County Administrative Office Building  
Des Moines, IA 50309-2218

Story County Board of Supervisors  
900 Sixth Street  
County Courthouse  
Nevada, IA 50201-2004

**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:**

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

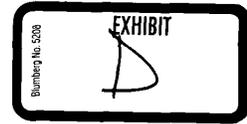
**State Historic Preservation Office:**

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



Natural Resources Conservation Service  
1513 N. Ankeny Blvd, Suite 3  
Ankeny, Iowa 50021-4119  
515-964-1883 x3

United States Department of Agriculture



June 9, 2003

Ref: Proposed Abandonment  
of Ankeny Subdivision  
STB Docket No. AB-33

Mr. Charles W. Saylor  
Union Pacific Railroad  
1416 Dodge Street, Room 830  
Omaha, NE 68179

Dear Mr. Saylor:

The majority of the railroad line that is being proposed for abandonment was built on prime farmland soils. However, abandoning the railroad line and leaving the area undisturbed will have no adverse environmental impact.

If areas are to be disturbed, cover should be established as soon as possible to minimize erosion and impacts on neighboring land and water.

Sincerely,

Paul Miller  
District Conservationist

**RECEIVED**

JUN 24 2003

**LAW DEPARTMENT  
UNION PACIFIC RR CO.**



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>

June 12, 2003



JUN 24 2003

LAW DEPARTMENT  
UNION PACIFIC RR CO.

Operations Division

SUBJECT: CEMVR-OD-P-447240

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

Dear Mr. Saylor:

Our office reviewed your application dated April 21, 2003, concerning the proposed abandonment of the Ankeny Subdivision from M.P. 10.7 to M.P. 341.1 in Sections, Townships, and Ranges, Polk and Story County, Iowa.

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 required to seed all disturbed areas with native grasses and to implement appropriate measure to insure that sediments are not introduced into waters of the United States during your project.

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.

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  
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