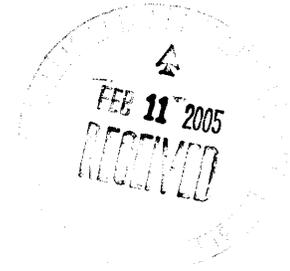


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AB-33 SUB-225X

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SECRETARY
TRANSPORTATION BOARD

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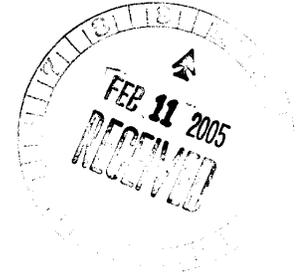
FEB 11 2005

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Public Record

213230



February 10, 2005



VIA UPS NEXT DAY AIR

Mr. Vernon Williams, Secretary
Surface Transportation Board
1925 "K" Street, N.W., Room 504
Washington, DC 20423-0001

**RE: Docket No. AB-33(Sub-No.225X), Union Pacific Railroad Company
- Abandonment of the Thornton Industrial Lead from Milepost 2.0 near Flint
to Milepost 17.14 near Thornton, a distance of 15.14 miles in Cerro Gordo
County, Iowa**

Dear Mr. Williams:

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. 225X). Further, enclosed is Union Pacific's voucher for \$5,000 for the filing fee.

Sincerely yours,

Enclosures

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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: Cerro Gordo County
Board of Supervisors
220 North Washington
County Courthouse
Mason City, IA 50401-3254

National Park Service
Land Resources Division
1709 Jackson Street
Omaha, NE 68102

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

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

Iowa Utilities Board
350 Maple Street
Des Moines, IA 50319-0069

U.S. Department of the Interior
National Park Service
Recreation Resources Assistance Division, PO Box37127
Washington, D.C. 20013-7127

Bcc: w/enclosures

Ray Allamong, Mailstop 1350
Lynda Prucha, Mailstop 1580
Joel Strafelda, Mailstop 1030
John Herdzina, Mailstop 1690

Bcc: wo/enclosures

Dennis Duffy, Mailstop 1180
Joe Bateman, Mailstop 1560
John Bromley, Mailstop 1550
Jim Farrell, Mailstop 0640
Bob Fredericks, Mailstop 738
Dave Hatfield, Mailstop 1180
Kay Leslie, Mailstop 1780
Hans Matthiessen, Mailstop 700
Roger Nicolaisen, Mailstop 1660
Denny Brown, Mailstop 1690
Bill Wimmer, Mailstop 1030

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 225X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --

IN CERRO GORDO COUNTY, IOWA
(THORNTON INDUSTRIAL LEAD)

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: February 10, 2005
Filed: February 11, 2005

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 225X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --

IN CERRO GORDO COUNTY, IOWA
(THORNTON INDUSTRIAL LEAD)

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 service over the Thornton Industrial Lead from milepost 2.0 near Flint to milepost 17.4 near Thornton, a distance of 15.14 miles in Cerro Gordo County, Iowa (the "Line"). There are no shippers on the Line that will be adversely affected by the proposed abandonment.

The only shipper on the Line is North Iowa Coop ("NIC"). NIC will continue its shipping operations at its two (2) stations on the Line by truck. NIC has no plans to use rail service on the Line in the future and has informed UP that NIC will not oppose the proposed abandonment of the Line. Due to a string of washouts on the Line between Burchinal and Swaledale caused by heavy Spring rains in 2004, the portion of the Line south of Burchinal, including the stations of Swaledale and Thornton are out of service and have been embargoed. It is estimated that it would cost UP approximately \$80,000 to \$100,000 to repair the Line south of Burchinal, Iowa.

There is no practicable possibility for substantial new rail business on the Line. There is no overhead traffic on the Line.

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, Iowa, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Tennessee, Texas, Utah, Washington, Wisconsin and Wyoming. The Line from milepost 2.0 near Flint to milepost 17.4 near Thornton, a distance of 15.14 miles in Cerro Gordo County, Iowa is owned and operated by UP.

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

Mack H. Shumate, Jr.
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 and discontinuance of service over the Thornton Industrial Lead from milepost 2.0 near Flint to milepost 17.14 near Thornton, a distance of 15.14 miles in Cerro Gordo County, Iowa. That portion of the Line south of Burchinal, including the stations of Swaledale and Thornton, is out of service and embargoed due to a string of washouts caused by spring rains. North Iowa Coop, the sole active customer at Swaledale and Thornton, has indicated that it will not seek additional rail service and will not protest abandonment of the Line.

The Line was constructed in 1886 by the Mason City & Ft. Dodge Railroad. The Line is laid with 77.5-pound rail.

The Line traverses U.S. Postal Service Zip Codes 50477 and 50479.

A map of the Line proposed for abandonment in solid black is attached hereto as **Attachment 1** and is hereby made a part hereof. Other rail lines in the area, principal highways and other roads are shown on the map, as well as bridges that are over 50 years old.

The following stations will be closed as a result of the proposed abandonment: Thornton at milepost 16.48, Swaledale at milepost 11.80 and Burchinal at milepost 5.58.

IV.

SHIPPER INFORMATION

The proposed abandonment will have no adverse effect on the recently active customer, NIC, which has made other transportation plans and has informed UP that it has no intention of using the Line again or of opposing the proposed abandonment.

The recent shipping profile for the Line is as follows:

North Iowa Coop
105 South First Street
Thornton, IA 50479 (active at both Swaledale and Thornton)

Swaledale activity:

2003: Potassium chloride, STCC 2812534, 3 cars, 300 tons.
Urea. STCC 2818170, 1 car, 91 tons.
Diammonium phosphate, STCC 2871235, 2 cars, 191 tons.
Monoammonium phosphate, STCC 2871236, 8 cars, 804 tons.
Total: 14 cars, 1386 tons.

2004: Potassium chloride, STCC 2812534, 6 cars, 595 tons.

Thornton activity:

2003: Corn, STCC 0113215, 50 cars, 5512 tons.

2004: No activity.

Upon abandonment, the closest rail service would be provided by UP at Flint, Iowa adjacent to the north end of the Line. Flint is on the south side of Mason City, the latter location being served by, in addition to UP; Iowa, Chicago and Eastern Railroad; Dakota, Minnesota & Eastern Railroad and Iowa Traction Railroad. The existing stations at Burchinal, Swaledale and Thornton lie on local roads that each make a direct connection to Interstate 35, a major north-south route, within five miles. The major east-west route in the area is U.S. 18 approximately five miles

north of Burchinal, Iowa.

V.

REASONS FOR THE ABANDONMENT AND DISCONTINUANCE

The abandonment will have no adverse effect on the sole shipper, North Iowa Coop, which has made other transportation plans and has informed UP that it has no intention of using the Line again or of opposing the abandonment. The Line serves an agricultural area that is not viewed as a potential location for heavy rail using industries.

The Line is not utilized for overhead traffic. The Line is served as needed by a train based in Mason City, Iowa. Due to significant washouts caused by heavy rain in the spring of 2004, the line south of Burchinal has been out of service since that time. Photocopies of the washout areas are attached hereto as **Attachment No. 2** and hereby made a part hereof. It is estimated that it would cost UP approximately \$80,000 to \$100,000 to repair the wash-out of the Line south of Burchinal, Iowa. Abandonment will eliminate costs of maintenance and operation of the Line.

After abandonment, the closest rail service would be provided by UP at Flint, Iowa adjacent to the north end of the abandonment. Flint, Iowa is on the south side of Mason City, Iowa which is served by the Iowa, Chicago and Eastern Railroad; Dakota, Minnesota & Eastern Railroad; and the Iowa Traction Railroad in addition to UP. Burchinal, Iowa, Swaledale, Iowa and Thornton, Iowa lie on local roads and each such local road makes a direct connection to Interstate 35, a major north-south route, within five miles. The major east-west route in the area is U.S. 18, approximately five miles north of Burchinal, Iowa.

The property is generally not suitable for other public purposes including roads and highways, other forms of mass transportation, conservation, energy production

or transmission, as the area because of its limited population base is adequately served by existing roads and utility lines at the present time.

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 the abandonment. There will be no adverse effect on the former shippers on the Line in that they have all ceased using the Line. Given the absence of current rail activity and the low probability of any future business, abandonment is warranted. The property is generally not suitable for other public purposes including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation.

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 15.14 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, in that the sole shipper on the Line, NIC, has chosen to transfer its shipping operations to truck only and has therefor eliminated all potential for rail activity on the Line.

VIII.

LAND AREA, FEDERAL GRANT INFORMATION, AND PUBLIC USE

The Line is generally 100 feet in width and is adjacent to very good agricultural land and passes through several small towns. The topography of the land is mostly level to slightly hilly.

UP does not believe the property proposed for abandonment is suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, as the area is adequately served by existing roads and utility lines. The Line would be suitable for recreation purposes

especially since the state is currently considering a trail for the portion of the Line previously abandoned to the southwest. The Line contains mostly reversionary property.

Based on information in UP's possession, the Line does not contain federally granted right-of-way. Any documentation in UP's possession will be made available 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 (the "CEHR") which was served on December 15, 2004. A copy of the CEHR transmittal letter is attached hereto as **Attachment 3**. The original and ten (10) copies of the CEHR were sent to Ms. Victoria Rutson, Section of Environmental Analysis, on December 14, 2004, for filing.

Subsequent to the filing of the combined CEHR no additional letters were received by UP from any federal, state or local governmental agency concerning any conditions to be imposed on the abandonment.

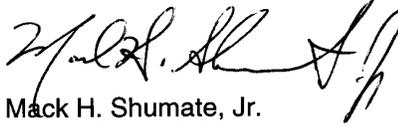
WHEREFORE, Union Pacific Railroad Company respectfully requests that the Board issue a decision exempting the proposed abandonment from the provisions of

49 U.S.C. §10903 and direct that the exemption be effective on the date of the Board's decision.

Dated this 10th day of February, 2004.

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

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VERIFICATION

STATE OF NEBRASKA)
) ss:
COUNTY OF DOUGLAS)

I, RAYMOND E. ALLAMONG, JR., Senior 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.

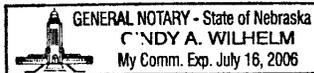
Dated at Omaha, Nebraska, this tenth day of January, 2005.


Raymond E. Allamong, Jr.

SUBSCRIBED AND SWORN TO
before me this tenth day of
January, 2005.


Notary Public

My Commission expires: _____



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

STB No. AB-33 (Sub-No. 225X)
Notice of Petition for Exemption to Abandon or
to Discontinue Service

On February 11, 2005, 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 over the Thornton Industrial Lead from milepost 2.0 near Flint, Iowa to milepost 17.14 near Thornton, Iowa, a distance of 15.14 miles in Cerro Gordo County, Iowa (the "Line"). The Line traverses through U.S. Postal Zip Codes 50477 and 50479. There are no shippers on the Line that will be adversely affected by the proposed abandonment. The Line for which the abandonment and discontinuance exemption request was filed includes the stations of Thornton at milepost 16.48, Swaledale at milepost 11.80 and Burchinal at milepost 5.58.

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.

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. 225X) 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

Iowa Utilities Board
350 Maple Street
Des Moines, IA 50319-0069

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

Cerro Gordo County Board of Supervisors
220 North Washington
County Courthouse
Mason City, IA 50401-3254

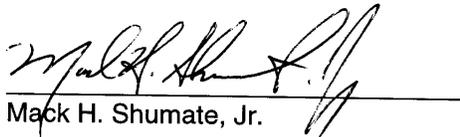
U.S. Department of Agriculture
Chief of the Forest Service
4th Floor NW, Auditors Building
14th Street & Independence Ave., S.W.
Washington, D.C. 20250

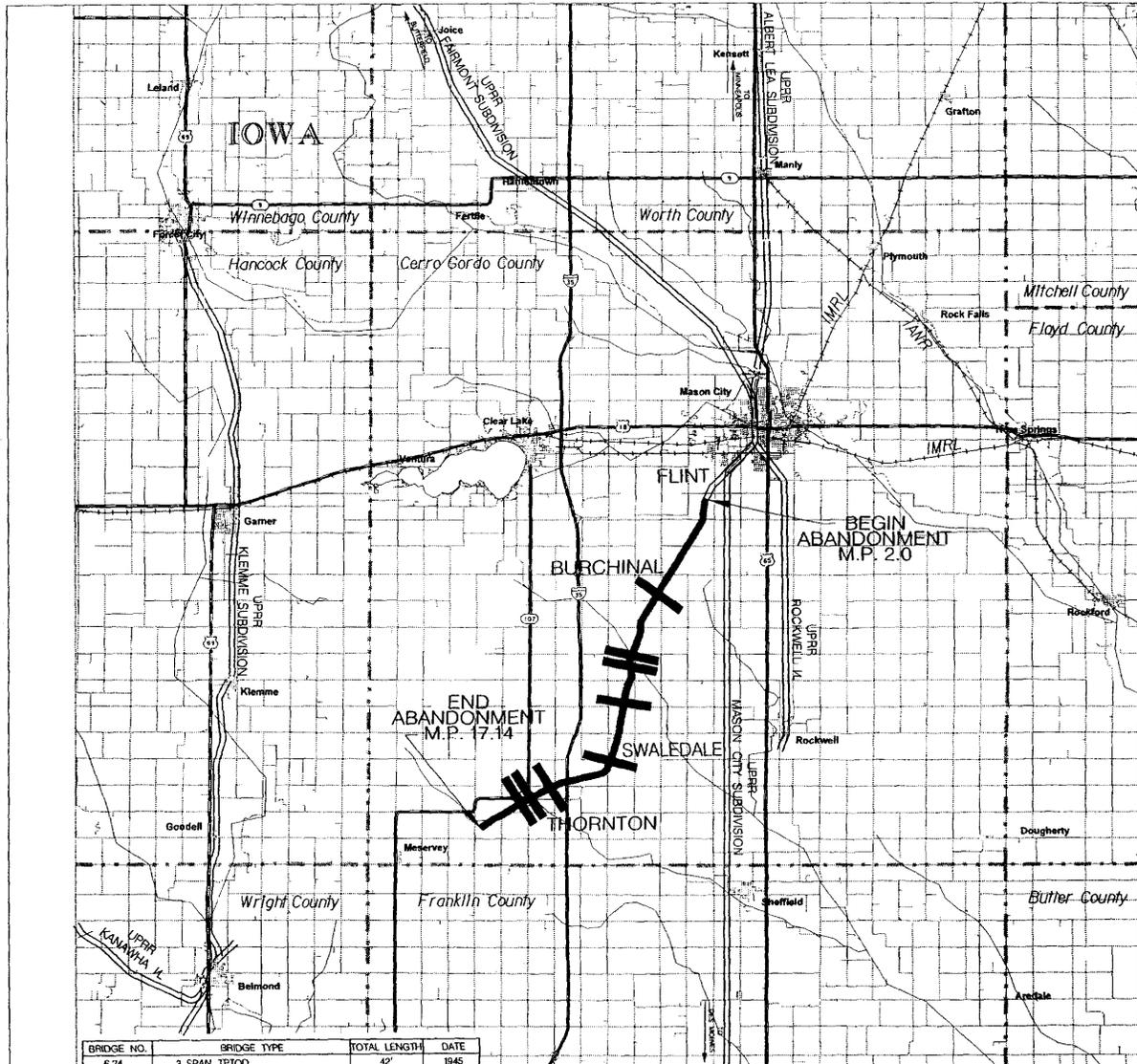
The undersigned further certifies that a notice of the abandonment was published one time in the County where the rail line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Cerro Gordo	<i>Southern County News</i>	February 10, 2005

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 10th day of February, 2005.


Mack H. Shumate, Jr.



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
6.24	3 SPAN TPTOD	42'	1945
8.64	10 SPAN TPTOD	140'	1934-1953
9.02	4 SPAN TPTOD	56'	1924-1955
10.86	3 SPAN TPTOD	42'	1926-1952
12.85	1 BEAM, 2 SPAN TPTOD	56'	1954
15.48	2 SPAN TPTOD	28'	1947
16.23	5 SPAN TPTOD	70'	1926-1955
16.63	1 SPAN DPG	60'	1918

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

THORNTON INDUSTRIAL LEAD

MP 2.0 TO MP 17.14
TOTAL OF 15.14 MILES
IN CERRO GORDO, IOWA

UNION PACIFIC RAILROAD CO.
THORNTON INDUSTRIAL LEAD
THORNTON, IOWA
INCLUDING 50+ YEAR OLD STRUCTURES



FILE: Q:\abandonments\ab0348_thornton.dgn

DATE: 03-Aug-04 11:25

Ray E. Allamong
10/19/2004 11:33 AM

To: Mack H. Shumate@UP, Chuck W. Saylor@UP
cc:
Subject: THORNTON IND LEAD WASHOUTS

Here are some photographs of the washouts I just mentioned in my Thornton abandonment write-up.

----- Forwarded by Ray E. Allamong on 10/19/04 11:31 AM -----

Nicholas A. Louris
06/18/04 04:43 PM

To: Warren C. Wilson@UP, Ray E. Allamong@UP
cc:
Subject: THORNTON IND LEAD WASHOUTS

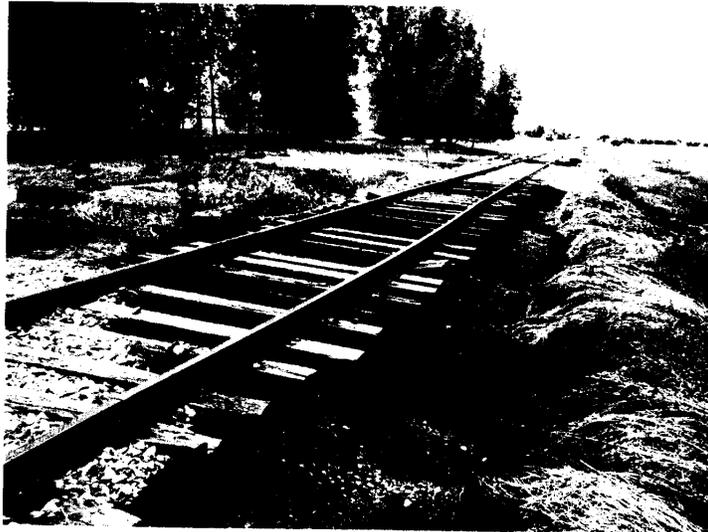
----- Forwarded by Nicholas A. Louris on 06/18/2004 04:42 PM -----



mavljones@netins.net
05/24/2004 02:55 PM

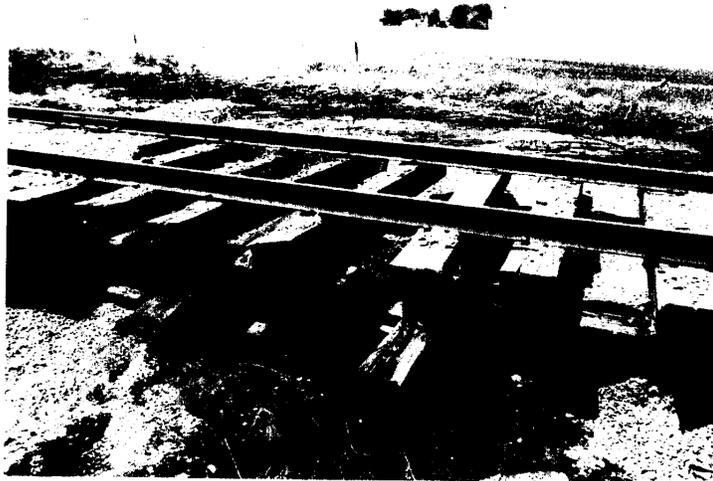
To: DAVIDWHAMILTON@UP.COM, NALOURIS@UP.COM,
TFOXEN@UP.COM
cc:
Subject: THORNTON IND LEAD WASHOUTS

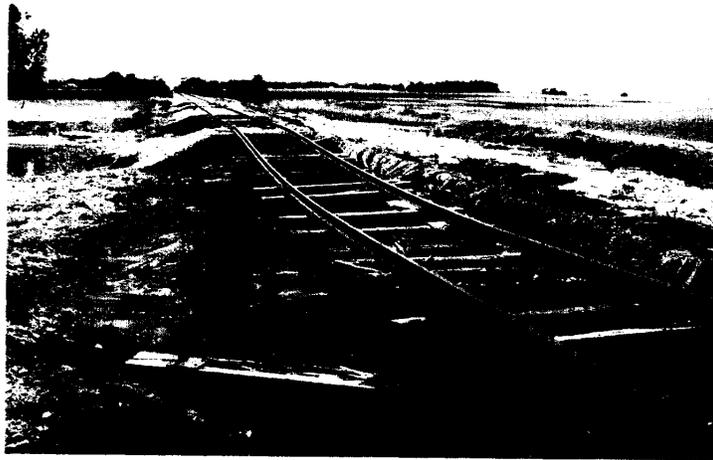
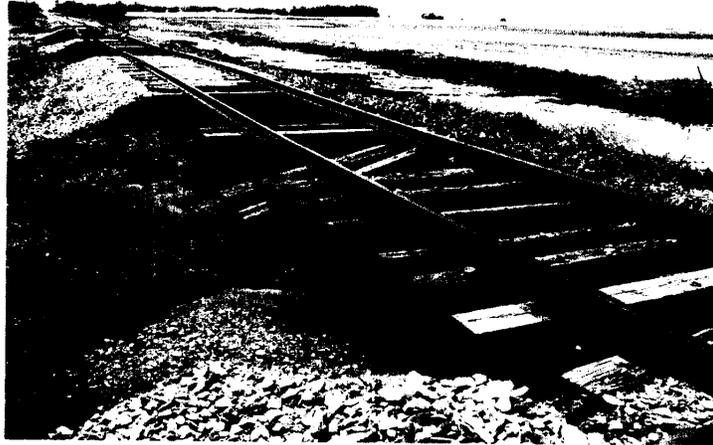
PICTURES ATTACHED ARE THE WASHOUTS IN THE 11 MILE ON THE THORNTON IND LEAD. MANY HAVE BEEN CRIBBED BEFORE AND HAVE SINCE BEEN WASHED OUT AGAIN AND AGAIN. THE PICTURES ATTACHED CONSIST OF ABOUT 12 SPOTS ANY WHERE FROM 30 FT. TO 200 FT. LONG AND 2 TO 4 FT. DEEP













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MAC users, click and drag the image to your
desktop.

FILE

December 14, 2004

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: Docket No. AB-33(Sub-No.225X), Union Pacific Railroad Company
- Abandonment of the Thornton Industrial Lead from Milepost 2.0 near Flint
to Milepost 17.14 near Thornton, a distance of 15.14 miles in Cerro Gordo
County, Iowa**

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 January 4, 2005.

Sincerely,

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

Enclosures

O:\ABANDONMENTS\33-225X\STB-EHR.doc

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

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