

215212



ENTERED
Office of Proceedings
NOV 29 2005
Part of
Public Record

Before the

SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 229X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN ELLIS COUNTY, TEXAS
(WAXAHACHIE INDUSTRIAL LEAD)**

NOTICE OF EXEMPTION

Union Pacific Railroad Company ("UP") submits this verified Notice of Exemption pursuant to 49 § C.F.R. 1152, Subpart F -- Exempt Abandonments and Discontinuances of Service and Trackage Rights, for an exempt abandonment of the Waxahachie Industrial Lead from Milepost 798.03 near Waxahachie to Milepost 802.60 near Nena, a distance of 4.57 miles in Ellis County, Texas (the "Line").

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

The abandonment is proposed to be consummated on or after January 6, 2006 (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. UP further certifies that there is no overhead traffic on the Line. There are no shippers on the Line

**UNION PACIFIC RAILROAD COMPANY
FACSIMILE TRANSMISSION**

Law Department
Chicago

101 N. Wacker Dr.
Room 1920
Chicago, IL 60606

Deliver to: Vernon Williams
ATTN: Taledia Stokes

Co./Dept: Surface Transportation Board

Fax: 202/565-9002

From: Mack H. Shumate, Jr.

Phone: 312/777-2055

Date: November 28, 2005

Fax: 312/777-2065

No. of Pages Transmitted - 2 - Including Cover

RE: Docket No. Ab-33(Sub-No. 229X) Union Pacific Railroad Company
- Abandonment Exemption - In Ellis County, Texas from
MP 798.03 to MP 802.60 (Waxahachie Industrial Lead)

Comments: Pursuant to our telephone conference of this date attached is a corrected Page 1 of the Notice of Exemption filed November 17, 2005 regarding the captioned matter. Please discard the previously filed Page 1 and replace with the attached, which now reflects that the abandonment is proposed to be consummated on or after January 6, 2006.

Transmitting From

Fax No. 312/777-2065

**IF YOU DO NOT RECEIVE ALL PAGES
CALL US AS SOON AS POSSIBLE
312/777-2043**

This facsimile message may be a privileged and confidential communication and is intended for the use of the person to whom it was sent. If you have received this message in error, please notify us immediately at 312/777-2043. This message should not be disseminated or copied if you are not the intended recipient, but should be returned to the above address by mail or destroyed. THANK YOU.