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TRANSPORTATION BOARD

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March 8, 2006

**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

ENTERED  
Office of Proceedings

MAR 9 2006

Part of  
Public Record

**RE: Docket No. AB-33(Sub-No.175X), Union Pacific Railroad Company  
- Abandonment Exemption - - In Hamilton County, Iowa  
(Ellsworth Industrial Lead)**

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. 175X). Enclosed is a credit authorization voucher in the amount of \$3,000.00 for the filing fee. Three (3) computer disks, in Word format, are included for the Board's use.

Sincerely yours,

**FILED**

MAR - 9 2006

Enclosures

cc: All parties of record

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**SURFACE  
TRANSPORTATION BOARD**

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

bcc: w/ Enclosures

Ray Allamong, Mailstop 1350  
Lynda Prucha, Mailstop 1580  
Joe Bateman, Mailstop 1560

Before the  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-33 (Sub-No. 175X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN HAMILTON COUNTY, IOWA  
(ELLSWORTH INDUSTRIAL LEAD)

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**NOTICE OF EXEMPTION**

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 8, 2006  
Filed: March 9, 2006

Before the  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-33 (Sub-No. 175X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN HAMILTON COUNTY, IOWA  
(ELLSWORTH INDUSTRIAL LEAD)

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**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 Ellsworth Industrial Lead from milepost 0.00 near Jewell to milepost 3.2 at Ellsworth, a distance of 3.20 miles in Hamilton County, Iowa, (the "Line").

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

The abandonment is proposed to be consummated on or after April 28, 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. The subject Line has not been used for freight traffic for at least two years. There is no overhead

traffic over the Line. After abandonment, the closest rail line would be Applicant at Jewell, approximately three (3) miles west of Ellsworth on state highway 175, an east-west route. Route 175 also connects with Interstate 35, a major north-south route on the east side of Ellsworth.

**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 0.00 near Jewell to the end of track at milepost 3.2 at Ellsworth, a distance of 3.20 miles. The Line is located in Hamilton County, 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 50075 and 50130.

(e)(4) Rural and Community Impact. The Line was constructed by the Toledo and Northwestern Railway in 1880. The Line consists of 90-pound welded rail. There appears to be no reasonable alternative to the abandonment. No local traffic has moved over the Line in the past two years, and there is no overhead traffic on the Line. After abandonment, the closest rail line would be on Applicant at Jewell, approximately three (3) miles west of Ellsworth on state highway 175, an east-west route. Route 175 also connects to Interstate 35, a major north-south route, on the east side of Ellsworth.

Based on information in the Applicant's possession, the Line proposed for abandonment does not contain federally granted right-of-way. There will be no effect on regional or local transportation systems and patterns and no diversion of traffic to other transportation systems or modes.

Any documentation so related to the Line, including real estate documentation relating to the Line in UP's possession, will be made available to those requesting it.

### **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.

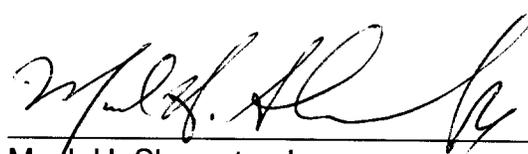
**Environmental and Historic Report**

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 October 11, 2004. The Combined Environmental and Historic Report indicates that the proposed abandonment does not involve historic properties. However, there are two (2) bridges affected by the proposed abandonment which are over fifty (50) years of age. Photographs of these bridges, one is a Timber Pile Trestle bridge (1941) and the other is a Deck Plate Girder bridge (1905), were sent to the Iowa State Historical Preservation Officer. To date, no response or other interest in these bridges has been received by Applicant.

Dated this 8<sup>th</sup> day of March, 2006.

Respectfully submitted,

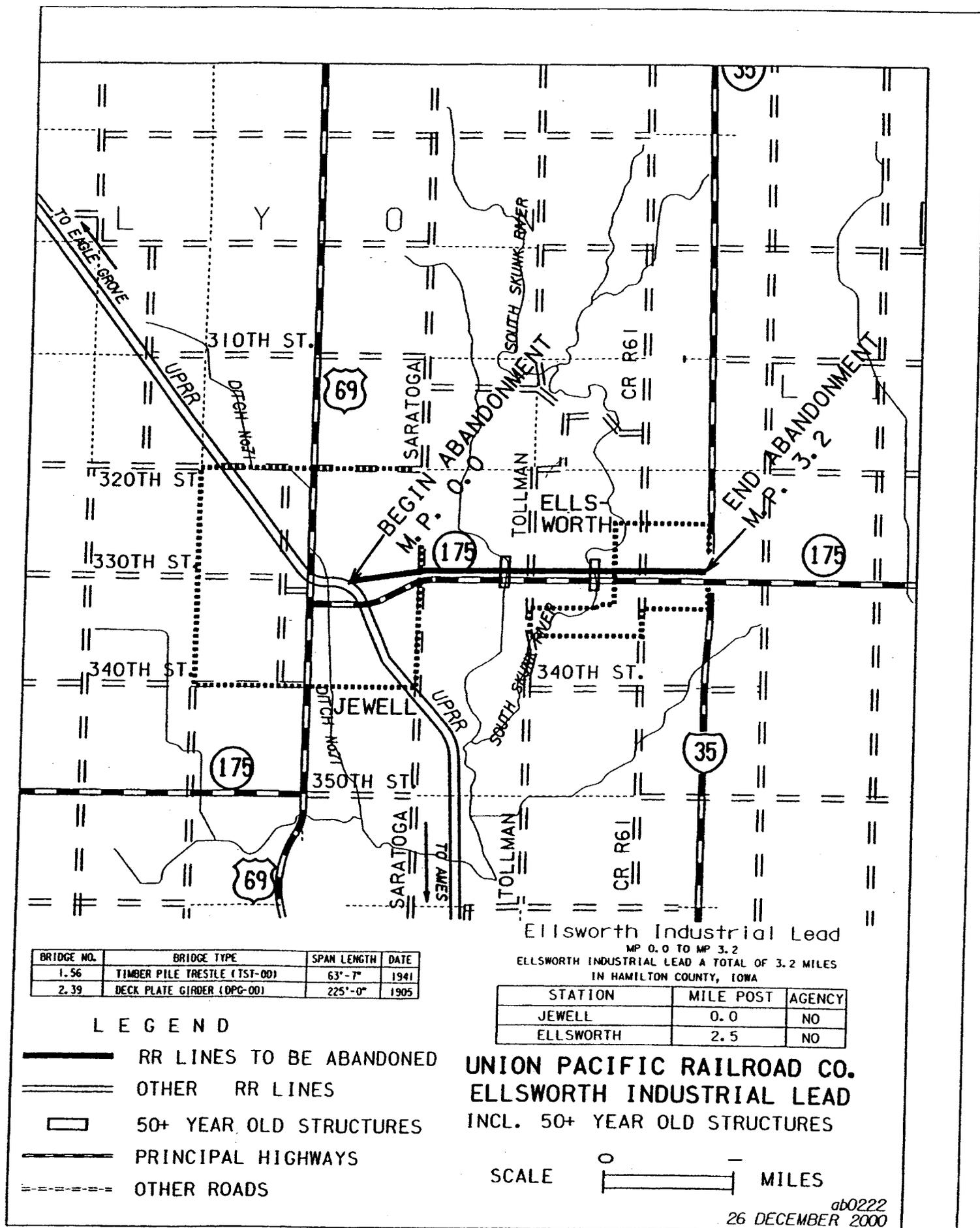
UNION PACIFIC RAILROAD COMPANY



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





BRIDGE NO.	BRIDGE TYPE	SPAN LENGTH	DATE
1.56	TIMBER PILE TRESTLE (TST-00)	63'-7"	1941
2.39	BECK PLATE GIRDER (DPG-00)	225'-0"	1905

LEGEND

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

Ellsworth Industrial Lead  
 MP 0.0 TO MP 3.2  
 ELLSWORTH INDUSTRIAL LEAD A TOTAL OF 3.2 MILES  
 IN HAMILTON COUNTY, IOWA

STATION	MILE POST	AGENCY
JEWELL	0.0	NO
ELLSWORTH	2.5	NO

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

SCALE MILES

ab0222  
 26 DECEMBER 2000

DOCKET NO. AB-33 (SUB-NO. 175X)  
Ellsworth Industrial Lead in Hamilton County, IA

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) - Notice

The undersigned certifies that on January 25, 2006 (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 Ellsworth Industrial Lead in Hamilton County, Iowa in Docket No. AB-33 (Sub-No. 175X). Written notice (a copy of which is attached hereto as Attachment 1) was served on the following:

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

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

Midwest Regional Office  
National Park Service  
1709 Jackson Street  
Omaha, NE 68102

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

49 C.F.R. § 1105.11 -

The undersigned certifies that on December 16, 2005 (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. 175X) for abandonment of the Ellsworth Industrial Lead in Hamilton County, 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)

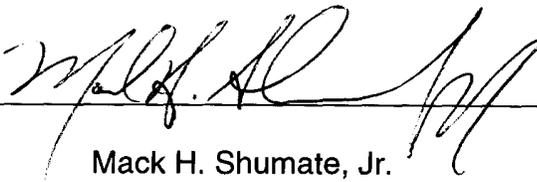
(The Certificate of Service attached to the Combined Environmental and Historic Report lists the names and addresses of the federal, state and local agencies served.)

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

The undersigned further certifies that a "Notice of Intent to Abandon" 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>
Hamilton	<i>South Hamilton Record-News</i>	March 1, 2006

Dated this 8<sup>th</sup> day of March, 2006.

  
Mack H. Shumate, Jr.



December 15, 2005

**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.175X), Union Pacific Railroad Company  
- Abandonment Exemption - - In Hamilton County, Iowa  
(Ellsworth Industrial Lead)**

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 5, 2005.

Sincerely,

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

Enclosures

O:\ABANDONMENTS\33-175X\STB-EHR.doc

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

**UNION PACIFIC RAILROAD**  
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