

22 5894



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

October 20, 2009

VIA E-FILING

Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

RE: Abandonment of the Ankeny Industrial Lead from Milepost 10.5 in Ankeny to Milepost 10.7, also in Ankeny, a total distance of 0.2 miles in Polk County, Iowa; STB Docket No. AB-33 (Sub-No. 279X)

Dear Ms. Quinlan:

Attached for filing in the above-referenced docket is the 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 to abandon and discontinue service in this matter on or after November 9, 2009.

Sincerely,

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

Attachment

cc: All Concerned Parties

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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 279X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN POLK COUNTY, IA
(ANKENY INDUSTRIAL LEAD)**

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY

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

**Dated: October 20, 2009
Filed: October 20, 2009**

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Docket No. AB-33 (Sub-No. 279X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
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(ANKENY INDUSTRIAL LEAD)**

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report ("EHR") pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment of the Ankeny Industrial Lead, from Milepost 10.5 in Ankeny to Milepost 10.7 also in Ankeny, a distance of .2 miles in Polk County, Iowa (the "Line"). The Line traverses U.S. Postal Service Zip Code 50021. UP anticipates that it will file a Notice of Exemption to abandon the Line on or after November 9, 2009.

A map of the Line (**Attachment No. 1**), and UP's letter to federal, state and local government agencies (**Attachment No. 2**) are attached to this EHR. Only one response has been received thus far to UP's letter to federal, state and local governmental agencies. That response is from the National Geodetic Survey dated October 14, 2009, and indicates there are no geodetic markers within the parameters of the Line proposed for abandonment. (See **Attachment No. 3** which is attached hereto and hereby made a part hereof.)

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: The proposed action involves an exempt abandonment of UP's Ankeny Industrial Lead. The Line proposed for abandonment extends from Milepost 10.5 in Ankeny to Milepost 10.7 also in Ankeny, in Polk County, Iowa, a total distance of .2 miles. A map of the Line is attached as **Attachment No. 1**.

The Line was originally constructed in 1874 by the Des Moines and Minneapolis Railway. The Line is comprised of 100-pound jointed rail put down in 1928, and 112-pound jointed rail installed in 1978.

The property proposed for abandonment is not suitable for public purposes including roads or highways, other forms of mass transportation, conservation, energy production or transmission, as this area is adequately served by existing roads and utility lines at the present time. The land proposed for abandonment is mostly non-reversionary. The plan for disposition of the non-reversionary land would be to work with any adjacent landowners to the property.

Based upon information in UP's possession, the Line does not contain any federally granted right-of-way. Any documentation in UP's possession will be made available to those requesting it.

After the proposed abandonment, the closest available rail service would continue to be provided by UP at Ankeny. Ankeny lies in the northern portion of the Des Moines metro area, and railroads other than UP serving Des Moines include BNSF,

IAIS, and NS. Ankeny lies on U.S. Route 69, and has access to Interstate 35 approximately one mile east and Interstate 80 approximately five miles south.

No local traffic has moved over the Line during the past two years, and there is no overhead traffic or passenger service on the Line. No complaint regarding cessation of service has been filed, is pending, or has been ruled upon in favor of a complainant during the two year period.

(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: Given that no traffic uses the Line, the proposed abandonment will have no impact on area transportation systems and patterns.

(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 affects land or water uses within a designated coastal zone, include the coastal zone information required by 49 C.F.R. § 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) UP is unaware of any adverse effects on local and existing land use plans. The Polk County Board of Supervisors' Offices has been contacted. To date, UP has received no response.

(ii) The Natural Resources Conservation Service ("NRCS") has been contacted; to date, UP has not received a response.

(iii) Not Applicable.

(iv) The property proposed for abandonment is not suitable for public purposes including roads or highways, other forms of mass transportation, conservation, energy production or transmission, as this area is adequately served by existing roads and utility lines at the present time.

The plan for disposition of the non-reversionary land would be to work with any adjacent landowners to the property.

(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 are no effects on the transportation of energy resources.

(ii) There are no recyclable commodities moved over the Line.

(iii) There will be no change in energy consumption from the proposed action.

(iv)(A)(B) UP does not anticipate that there will be any rail-to-motor diversion.

(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 subsection (5)(i)(A) will apply.

Response: UP does not anticipate any such effects.

(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 as a result of the proposed action.

(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 action 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. There will be a benefit to the public in that several crossing surfaces in central Ankeny can be removed.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous materials 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 not received a response.

(ii) The National Park Service has been contacted. To date, UP has received no response.

(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. (Applicants 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 U. S. Environmental Protection Agency Regional Office and Iowa Environmental Protection Agency have been contacted. To date, UP has received no response.

(ii) The U. S. Army Corps of Engineers has been contacted; to date, UP has received no response.

(iii) UP does not anticipate that 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 topography is generally level. The right of way considered in this abandonment passes through the central portion of the city of Ankeny, Iowa, from near Walnut Street, northwest approximately 0.2 of a mile to West 1st Street. The right of way is typically 100 feet in width, and is adjacent to both residential and commercial properties.

(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: Not applicable.

(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: See Attachment No. 1.

(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 UP's response to question (1) in the Environmental Report for a brief history and description.

(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 does not have any relevant documentation.

(7) An opinion (based on readily available information in the UP'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 is of the opinion that there is nothing in the scope of the proposed abandonment or discontinuance of service that merits historical comment and that any archeological sites within the scope of the right-of-way would have previously been disturbed during the construction and maintenance 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 non-railroad owned properties or groups 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 20th day of October, 2009.

Respectfully submitted,



UNION PACIFIC RAILROAD COMPANY
Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, #1920
Chicago, Illinois 60606
(312) 777-2055 (Tel)
(312) 777-2065 (Fax)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 279X), the Ankeny Industrial Lead in Polk County, Iowa was served by First Class U.S. Mail, postage prepaid, on the 20th day of October, 2009, on the following parties:

State Clearinghouse (or alternate):

Kathy Mabie
Iowa Department of Management
State Capitol Building Room G12
1007 E Grand Avenue
Des Moines, Iowa 50319

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 3
One Federal Drive
Fort Snelling, MN 55111-4056

State Environmental Protection Agency:

Iowa Environmental Protection Agency
210 Walnut St., # 827
Des Moines, IA 50309-2105

U.S. Army Corps of Engineers:

U. S. Army Corps of Engineers
Rock Island District
Clock Tower Bldg,
PO Box 2004
Rock Island, IL 61204-2004

State Coastal Zone Management Agency (if applicable):

Not applicable.

National Park Service:

National Park Service
110 Parkside Dr
West Branch, IA 52358

Head of County:

Polk County Board of Supervisors
111 Court Ave., # 300
Des Moines, IA 50309-2214

U.S. Natural Resources Conservation Service:

State Conservationist
Natural Resource Conservation Service
1918 Greene St # 2
Adel, IA 50003-1609

**Environmental Protection Agency
(Regional Office):**

U.S. Environmental Protection Agency
Region 7
901 N. 5th St
Kansas City, KS 66101

National Geodetic Survey:

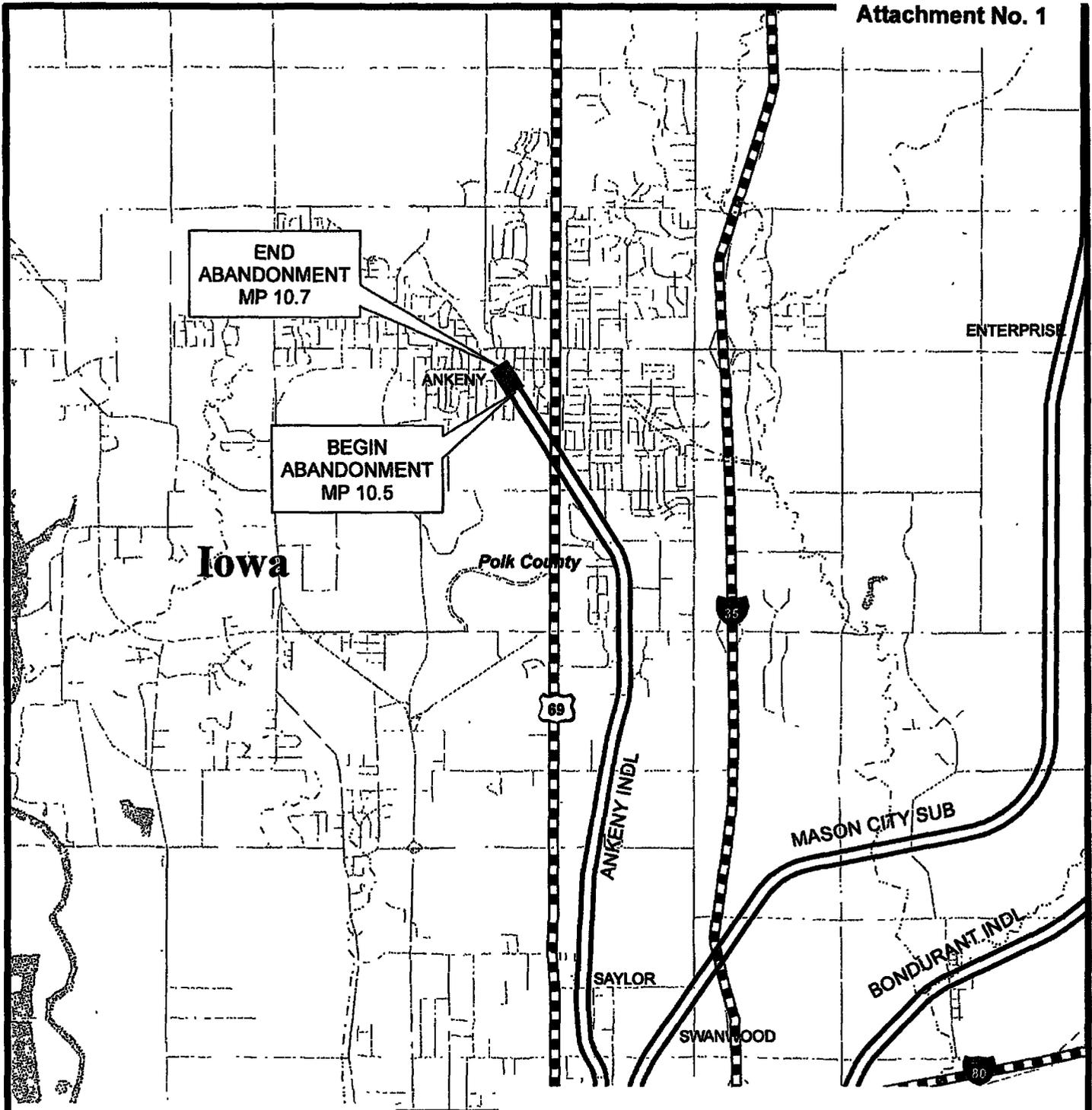
National Geodetic Survey
SSMC-3 #9209
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

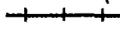
State Historic Society of Iowa
Community Programs Bureau
600 East Locust
Des Moines, IA 50319-0290

Dated this 20th day of October, 2009.


Mack H. Shumate, Jr.



Legend

-  UPRR TO BE ABANDONED
-  OTHER UPRR LINES
-  OTHER RAILROADS
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

ANKENY INDUSTRIAL LEAD

MP 10.5 TO MP 10.7
TOTAL OF 0.2 MILES IN POLK COUNTY
IN IOWA

**NOTE : THERE ARE NO 50+ YEAR OLD STRUCTURES
UNION PACIFIC RAILROAD CO.
ANKENY INDUSTRIAL LEAD
IOWA**

INCLUDING 50+ YEAR OLD STRUCTURES





Law Department

September 14, 2009

State Clearinghouse (or alternate):

Kathy Mabie
Iowa Department of Management
State Capitol Building Room G12
1007 E Grand Avenue
Des Moines, Iowa 50319

State Environmental Protection Agency:

Iowa Environmental Protection Agency
210 Walnut St., # 827
Des Moines, IA 50309-2105

State Coastal Zone Management Agency (if applicable):

Not applicable.

Head of County:

Polk County Board of Supervisors
111 Court Ave., # 300
Des Moines, IA 50309-2214

Environmental Protection Agency (Regional Office):

U.S. Environmental Protection Agency
Region 7
901 N. 5th St.
Kansas City, KS 66101

State Historic Preservation Office:

State Historic Society of Iowa
Community Programs Bureau
600 East Locust
Des Moines, IA 50319-0290

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 3
One Federal Drive
Fort Snelling, MN 55111-4056

U.S. Army Corps of Engineers:

U. S. Army Corps of Engineers
Ankeny District
8250 Horseshoe Dr.
Ankeny, IA 50021

National Park Service:

National Park Service
Midwest Region
1709 Jackson Street
Omaha, NE 68102

U.S. Natural Resources Conservation Service:

State Conservationist
Natural Resource Conservation Service
1918 Greene St # 2
Adel, IA 50003-1609

National Geodetic Survey:

National Geodetic Survey
SSMC-3 #9209
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

Re: Proposed Abandonment of the Ankeny Industrial Lead from Milepost 10.5 in Ankeny to Milepost 10.7, also in Ankeny, a total distance of 0.2 miles in Polk County, Iowa; STB Docket No. AB-33 (Sub-No. 279X)

Ladies and Gentlemen:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Ankeny Industrial Lead from Milepost 10.5 in Ankeny to Milepost 10.7, also in Ankeny, a total distance of 0.2 miles in Polk 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 the undersigned.

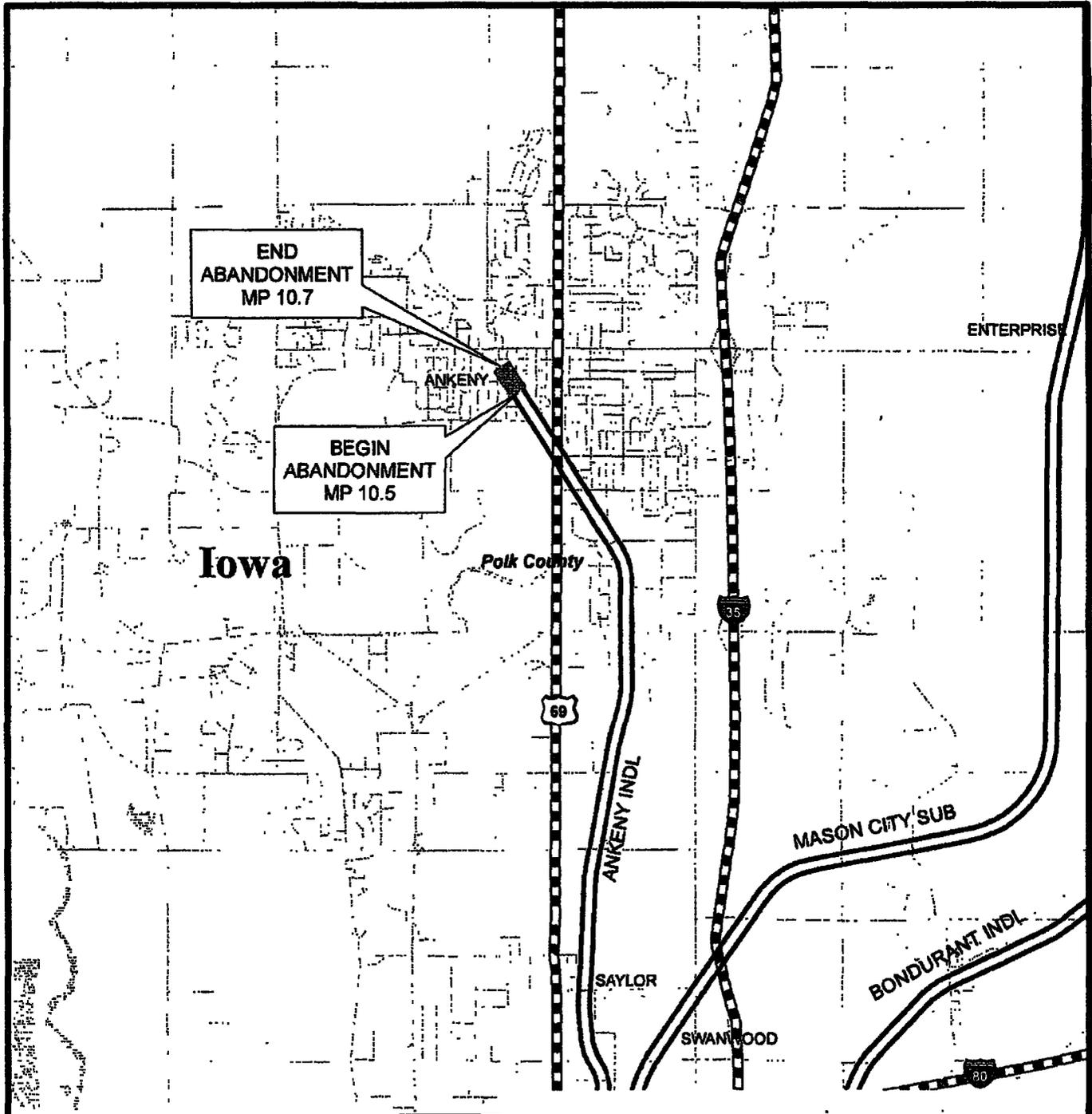
Sincerely,



Colleen K. Graham
Paralegal
Union Pacific Railroad
Law Department
1400 Douglas St., Stop 1580
Omaha, NE 68179
(w) 402-544-1643
cgraham@up.com

CKG/

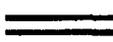
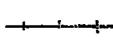
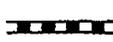
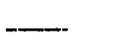
Enclosure



ANKENY INDUSTRIAL LEAD

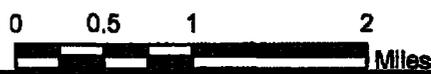
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NOTE : THERE ARE NO 50+ YEAR OLD STRUCTURES
UNION PACIFIC RAILROAD CO.
ANKENY INDUSTRIAL LEAD
IOWA

INCLUDING 50+ YEAR OLD STRUCTURES





Simon Monroe
<Simon.Monroe@noaa.gov>
10/14/2009 02:45 PM

To cgraham@up.com
cc Surface Transportation Board <sea@stb.dot.gov>, Surveyorlady@yahoo.com, Gilbert Mitchell <Gilbert.Mitchell@noaa.gov>, simon Monroe
bcc
Subject [NGS Response, STB Docket AB-33 (SUB NO. 279X)]

Thank you for sharing your railroad abandonment environmental report for Ankeny, Polk County, IOWA.

Approximately 00 geodetic survey marks may be located in the area described.

If marks will be disturbed by the abandonment, [THE RAILROAD] shall consult with the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities that will disturb, or destroy any geodetic station

marks are described on the attached file. Additional advice is provided at

<http://geodesy.noaa.gov/marks/railroads/>

Dist	PID...	H	V	Vert_Source	Latitude.....	Longitude.....	Stab	Designation
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No Stations Found.