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

January 29, 2010

VIA E-FILING

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, S.W., Room 100
Washington, DC 20423-0001

RECEIVED
Office of the
JAN 29 2010
Public Board

RE: Exempt Discontinuance of Service over a portion of the Bondurant Industrial Lead from Milepost 225.56 near Berwick to Milepost 232.80 near Bondurant, a distance of 7.24 miles in Polk County, Iowa; STB Docket AB-33 (Sub-No. 248X)

Dear Ms. Brown:

Pursuant to the Board's exemption procedures for discontinuance of service of rail lines with no local business for at least two years (49 C.F.R. § 1152.50), I am hereby e-filing the Notice of Exemption, including a Certificate of Service and Publication for your reference.

Please file the Notice of Exemption in Docket No. AB-33 (Sub-No. 248X). Enclosed is a credit authorization voucher in the amount of \$3,700.00 for the filing fee.

Sincerely,

Enclosures

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BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 248X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN POLK COUNTY, IOWA
(BONDURANT INDUSTRIAL LEAD)

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JAN 29 2010

SURFACE
TRANSPORTATION BOARD

Notice of Exemption

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SURFACE
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Office of Public Information
JAN 29 2010
Public Information

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 and filed: January 29, 2010

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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 248X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN POLK COUNTY, IOWA
(BONDURANT 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 service on that portion of the Bondurant Industrial Lead from Milepost 225.56 near Berwick to Milepost 232.80 near Bondurant, a distance of 7.24 miles in Polk County, Iowa (the "Line").

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

The abandonment and discontinuance are proposed to be consummated on or after March 20, 2010 (at least 50 days after filing the Notice of Exemption).

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

UP certifies that no local or overhead traffic has moved over the Line for at least two years. Therefore, there is no need to reroute any traffic. UP further certifies 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 is pending either with the Board or any U.S. District Court, or has been decided in favor of the complainant within the two-year period.

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

(a) General.

(a)(1) The railroad's 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 that portion of the Bondurant Industrial Lead from Milepost 225.56 near Berwick to Milepost 232.80 near Bondurant, a distance of 7.24 miles in Polk County, Iowa.

(a)(4) A map showing the location of the Line in relation to other rail lines, highways, and major roads in the area is attached as **Exhibit 1**.

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

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

(a)(8) ZIP Codes. The Line traverses U.S. Postal Service Zip Codes 50317, 50032, 50021, 50009 and 50035.

(e)(4) Rural and Community Impact.

The right-of-way proposed for abandonment could be suitable for other public purposes, including roads or highways, other forms of mass transportation,

conservation, energy production or transmission, or recreation, however, the area appears to be adequately served by existing roads and utilities.

The Line contains approximately 85.81 acres of non-reversionary property and a small amount, approximately 4.6 acres, of reversionary property. Based upon information in UP's possession, the Line does not contain any federally granted rights-of-way. Any documentation in UP's possession will be made available to those requesting it.

After the proposed abandonment, the closest rail service by UP would be available along UP's Mason City Subdivision in Des Moines, Iowa, about eight (8) highway miles west of Bondurant, Iowa. Rail service is also provided by the following railroads in Des Moines, Iowa:

- NS Railway Company
- Iowa Interstate Railroad, Ltd.
- BSNF Railway Company

Additionally, the Des Moines area is well served by major highways - the junction of Interstates 80 and 35 is located adjacent to the west end of the Line. The City of Bondurant, Iowa, is served by U.S. Route 65, and either this route or local roads closely connect to the aforementioned interstates.

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 prior two years.

A map of the Line is attached as **Exhibit No. 1**.

Labor Protection

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

Certifications

Attached as **Exhibit No. 2** 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 that accompanied UP's combined Environmental and Historic Report ("EHR"), 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 as **Exhibit No. 3**. The original was e-filed with Anne K. Quinlan, Acting Secretary, on October 27, 2009. The EHR notes that the proposed abandonment does not involve historic properties.

Dated this 29th day of January, 2010.

Respectfully submitted,

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

DOCKET NO. AB-33 (SUB-NO. 248X)
Bondurant Industrial Lead

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) - Notice

The undersigned certifies that on November 16, 2009 (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 a portion of the Bondurant Industrial Lead in Polk County in and near Berwick, Iowa in Docket No. AB-33 (Sub-No. 248X). Written notice (a copy of which is attached hereto as Attachment 1) was served on the following:

Iowa Department of Management
Attn: Kathy Mabie
State Capitol Bldg., Room G12
1007 East Grand Avenue
Des Moines, IA 50319

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

Nick Chevance
Environmental Coordinator
Planning & Compliance Office
National Park Service, Midwest Region
601 Riverfront Drive
Omaha, NE 68102

Headquarters
Military Surface Deployment &
Distribution
Command
Transportation Engineering Agency
ATTN: SDTE-SA
(Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

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

The undersigned certifies that on October 27, 2009 (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. 248X) for abandonment of a portion of the Bondurant Industrial Lead in Polk County in and near Berwick, Iowa on the following:

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

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

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 Petition for 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>Des Moines Register</i>	January 29, 2010

Dated this 29th day of January, 2010.



 Mack H. Shumate, Jr.



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

November 16, 2009

Iowa Department of Management
Attn: Kathy Mabie
State Capitol Bldg., Room G12
1007 East Grand Avenue
Des Moines, IA 50319

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

Nick Chevance
Environmental Coordinator
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National Park Service, Midwest Region
601 Riverfront Drive
Omaha, NE 68102

Headquarters
Military Surface Deployment & Distribution
Command
Transportation Engineering Agency
ATTN: SDTE-SA
(Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

RE: Abandonment of the Bondurant Industrial Lead from Milepost 225.56 near Berwick to Milepost 232.80 near Bondurant, a distance of 7.24 miles in Polk County, Iowa; STB Docket No. AB-33 (Sub-No. 248X)

Dear Sirs:

This is notice that Union Pacific Railroad Company ("UP") expects to be filing with the Surface Transportation Board ("STB") a Notice of Exemption to abandon and discontinue service over the Bondurant Industrial Lead from M.P. 225.56 near Berwick to M.P. 232.80, near Bondurant, a distance of 7.24 miles in Polk County, Iowa; (the "Line").

The Line traverses U. S. Postal Service Zip Codes 50317, 50032, 50021, 50009 and 50035. The proceeding will be docketed as No. AB-33 (Sub-No. 248X).

The Notice of Exemption procedure will be used to abandon and discontinue service over the Line, pursuant to the abandonment regulations of the Surface Transportation Board at 49 C.F.R. Section 1152.50. A Notice of Exemption to abandon and discontinue service over the Line will be filed with the Surface Transportation Board on or after November 30, 2009.

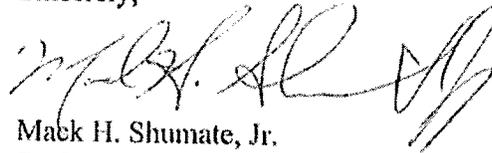
Based on information in our possession, the Line does not contain federally granted rights-of-way. Any documentation in the Railroad's possession will be made available promptly to those requesting it.

November 16, 2009
Page 2

AB-33 (Sub-No. 248X)

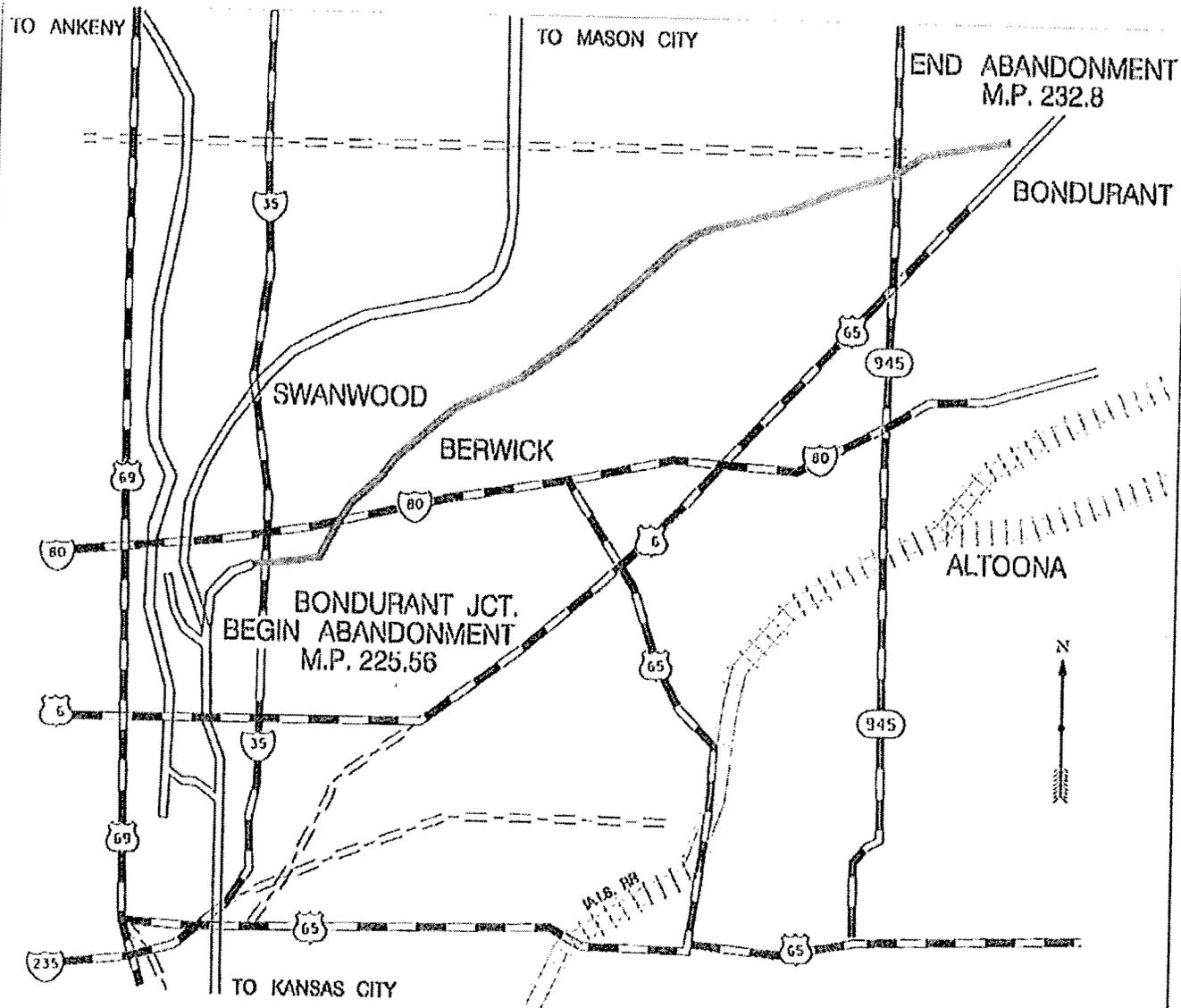
A map showing the Line to be abandoned is attached, for your information as Attachment
No. 1.

Sincerely,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", written in a cursive style.

Mack H. Shumate, Jr.
Senior General Attorney

Attachment



STATION	MILE POST	AGENCY
BONDURANT	228	HO

NOTE: THERE ARE NO 50+ YEAR OLD STRUCTURES

LEGEND

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

Bondurant Industrial Lead

M.P. 225.68 TO M.P. 232.80
A TOTAL OF 7.24 MILES
IN POLK COUNTY, IOWA

UNION PACIFIC RAILROAD
BONDURANT INDUSTRIAL LEAD





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

October 27, 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 Bondurant Industrial Lead from Milepost 225.56 near Berwick to Milepost 232.80 near Bondurant, a distance of 7.24 miles in Polk County, Iowa; STB Docket No. AB-33 (Sub-No. 248X)

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 16, 2009.

Sincerely,

A handwritten signature in black ink, appearing to be "Mack H. Shumate, Jr.", written in a cursive style.

Attachment

cc: All Concerned Parties