



and PACIFIC RAILROAD COMPANY

455 North Cityfront Plaza Drive
Chicago, Illinois 60611-5504
(312) 755-7500

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205 188

DID# 0101986001

July 5, 2002

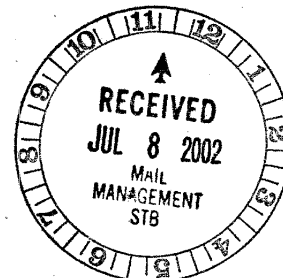
Via Overnight Mail

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

ENTERED
Office of Proceedings

JUL 08 2002

Part of
Public Record



Re: STB Docket No. AB-314 (Sub-No. 2X), Chicago Central & Pacific Railroad Company — Petition for Exemption for Abandonment in Linn County, Iowa

Dear Secretary Williams:

Enclosed for filing in the above-captioned proceeding, pursuant to 49 C.F.R. § 1152.60, are an original and ten copies of the Verified Petition of Chicago Central & Pacific Railroad Company. A check in the amount of \$4,700.00, representing the appropriate fee for this filing, also is enclosed. Included with the Petition are the map required by 49 C.F.R. § 115260(b), a certificate of service acknowledging that service of this Petition has been made on the appropriate parties pursuant to 49 C.F.R. § 1152.60(d), as well as any other interested parties or shippers, and a draft Federal Register notice and disk containing the draft notice.

The Environmental and Historical Reports for this proceeding have already been filed with the Board. Please stamp and return the duplicate copy of this letter to my attention in the envelope provided to indicate that you received the above items.

Feel free to call me at (312) 755-7954 if you have any questions.

Respectfully submitted,


Michael J. Barron, Jr.
Counsel for Chicago Central & Pacific Railroad Company

FEE RECEIVED

JUL 08 2002

**SURFACE
TRANSPORTATION BOARD**

FILED

JUL 08 2002

**SURFACE
TRANSPORTATION BOARD**

Encls.

SERVICE is our only BUSINESS

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-314 (SUB-NO. 2X)



CHICAGO CENTRAL & PACIFIC RAILROAD COMPANY —
ABANDONMENT EXEMPTION — IN LINN COUNTY, IOWA

VERIFIED PETITION FOR EXEMPTION

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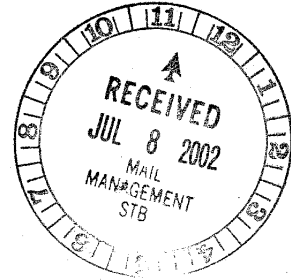
Michael J. Barron, Jr.
Chicago Central & Pacific Railroad Company
Canadian National/Illinois Central
455 North Cityfront Plaza Drive
Chicago, IL 60611-5317
(312) 755-7954

ATTORNEY FOR
CHICAGO CENTRAL & PACIFIC RAILROAD COMPANY

Dated: July 5, 2002

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-314 (SUB-NO. 2X)



CHICAGO CENTRAL & PACIFIC RAILROAD COMPANY —
ABANDONMENT EXEMPTION — IN LINN COUNTY, IOWA

VERIFIED PETITION FOR EXEMPTION

Chicago Central & Pacific Railroad Company ("CCP") hereby petitions the Board, pursuant to 49 U.S.C. § 10502, for an exemption from the prior approval requirements of 49 U.S.C. § 10903 to abandon the line of railroad referred to as part of the Marion-Louisa Industry Lead ("MLIL") extending from milepost ZA 225.7 to milepost ZA 229.5 for a total of 3.8 miles. This trackage was part of a CCP acquisition originally owned by the Milwaukee Road. CCP is a regional railroad operating over approximately 697 miles of road primarily in Iowa and Illinois and is part of the Canadian National/Illinois Central.

There has been no traffic on MLIL thus far in 2002. In 2001, traffic consisted of only four outbound carloads from Marion Metal and six inbound carloads to Prince Agri Chem.

There was no traffic in 2001 associated with Linn Co-op, the remaining customer on the proposed abandonment. No operations or maintenance are currently conducted on MLIL, and there is no need to keep it for overhead traffic as the track dead ends at milepost ZA 225.7, which is at a point 662.35 feet east of the east line of 35th Street.

I. DESCRIPTION OF LINE TO BE ABANDONED

CCP seeks to abandon the segment of track between milepost ZA 225.7 and milepost ZA 229.5, all in Linn County, Iowa. See the map attached hereto as Exhibit 1. Track and materials from the abandonment that are salvageable will be used for upgrading and maintaining other active rail lines. Remaining material will be sold as scrap.

II. REQUIREMENTS OF 49 C.F.R. § 1117.1

A. Short, Plain Statement of the Grounds upon Which the Board's Jurisdiction is Based.

The Board has jurisdiction over the proposed abandonment pursuant to its authority under 49 U.S.C. § 10903.

In addition, 49 U.S.C. § 10502 requires the Board to exempt a person or transaction or a service from the statutory and regulatory requirements otherwise applicable to a rail carrier when the Board determines that statutory and regulatory requirements are (1) not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101; and (2) either; (A) the transaction is a limited scope, or (B) regulation is not needed to protect shippers from the abuse of market power.

B. Short Plain Statement of the Claim Showing That the Petitioner is Entitled to Relief.

CCP requests that the Board grant to it, pursuant to the Board's authority under 49 U.S.C. § 10502, an exemption from the requirements of 49 U.S.C. § 10903 for the following reasons:

1. Requiring a Full Proceeding Is Not Necessary to Carry Out the Rail Transportation Policy of 49 U.S.C. § 10101.

Detailed scrutiny under 49 U.S.C. § 10903 is not necessary to carry out the rail transportation policy. By minimizing the administrative expense of abandoning MLIL, an exemption will expedite regulatory decisions, reduce regulatory barriers to exit, foster sound economic conditions and encourage efficient management. (49 U.S.C. § 10101(2), (5), (7) and (9)). Other aspects of the rail transportation policy are not affected adversely.

2. The Transaction is of Limited Scope

The transaction is also limited in scope since the proposed abandonment involves only 3.8 total miles of track with no current shippers.

3. Regulation is Not Necessary to Protect Shippers From the Abuse of Market Power.

Regulation of this abandonment by the Board is completely unnecessary to protect any shipper from the abuse of market power. Only three customers, Marion Metal, Prince Agri Chem, and Linn Co-op, remain on MLIL. There have been no movements at all in 2002, and activity in 2001 consisted of six inbound and four outbound carloads. We have served Marion Metal, Prince Agri Chem and Linn Co-op with a copy of the Petition. There is no overhead traffic on MLIL as the track dead ends at milepost ZA 225.7.

C. A Demand for the Relief the Petitioner Believes is Appropriate.

CCP seeks exemption pursuant to 49 U.S.C. § 10502 from the prior approval requirements of 49 § 10903 to abandon the segment MLIL described previously in Linn County, Iowa, a distance of 3.8 miles.

III. LEVEL OF LABOR PROTECTION TO BE IMPOSED

The appropriate level of labor protection that will be applied is that established in *Oregon Short Line Co. — Abandonment — Goshen*, 360 I.C.C. 91 (1979).

IV. ENVIRONMENTAL AND HISTORIC REPORT

Information with respect to environmental and historic matters involved in the proposed abandonment is included in the Environmental/Historic Report which we already filed with the Board and which we have already served on the necessary parties in accordance with the requirements of 49 C.F.R. §§ 1105.7 and 1105.8.

Based on information in our possession, the track segment to be abandoned does not contain Federally granted rights-of-way.

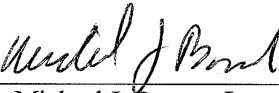
Since we served the Environmental/Historic Report, we have received notice from the U.S. Fish & Wildlife Service indicating they had no objection to the proposed abandonment. A copy of this correspondence is included as Exhibit 2.

CONCLUSION

WHEREFORE, CCP respectfully requests that the Board exempt from the prior approval requirements of 49 U.S.C. § 10903 the abandonment of MLIL between milepost ZA 225.7 and milepost ZA 229.5 in Linn County, Iowa.

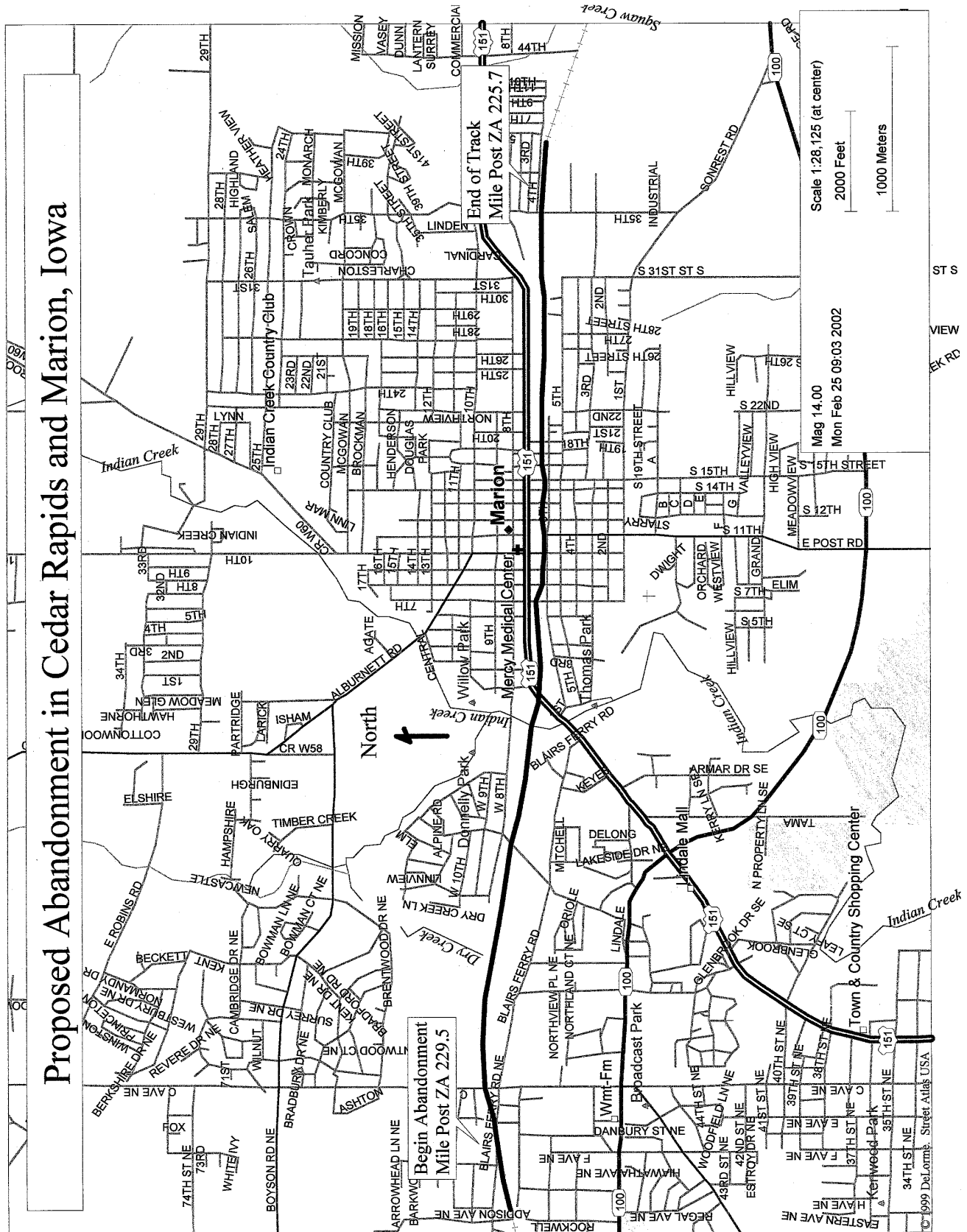
Dated: July 5, 2002

Respectfully submitted,

By: 

Michael J. Barron, Jr.
Attorney for Chicago Central & Pacific
Railroad Company
Canadian National/Illinois Central
455 North Cityfront Plaza Drive
Chicago, IL 60611-5317
(312) 755-7954

Proposed Abandonment in Cedar Rapids and Marion, Iowa



ST S
VIEW
EX RD



and PACIFIC RAILROAD COMPANY

EXHIBIT 2

455 North Cityfront Plaza Drive
Chicago, Illinois 60611-5504
(312) 755-7500

June 7, 2002

NO OBJECTION

U.S. Fish & Wildlife Service
Rock Island, Illinois

[Signature] 6/25/02
Supervisor Date

**Re: Chicago Central & Pacific Railroad Company Petition for Exemption
for Abandonment — Linn County, Iowa — Docket AB-314 (Sub-No. 2X)**

To Whom It May Concern:

Any time on or after June 27, 2002, Chicago Central & Pacific Railroad Company ("CCP") expects to file with the Surface Transportation Board ("STB") a Petition for Exemption seeking authority to abandon a railroad line located between milepost 225.7 and 229.5 in Linn County, Iowa. Enclosed is an Environmental Report and a Historical Report describing the proposed action and any expected environmental and historical effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental and historical analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental and historical review process, please contact their Section of Environmental Analysis (OESEA), at the Surface Transportation Board, 1925 K Street, N.W., Washington, D.C. 20423-0001, (202) 565-1545, and refer to the above docket number.

CCP will file the Environmental Report and Historical Report with the STB on or about June 7, 2002. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the STB (with a copy to the undersigned) would be appreciated within three weeks. Your comments will be considered by the STB in evaluating the environmental and historical impact of the contemplated action.

If there are any questions concerning this proposal, please contact the undersigned directly at (312) 755-7954 or by mail at the above address.

Sincerely,

[Signature]
Michael J. Barron, Jr.
Counsel for Chicago Central & Pacific
Railroad Company

Encl.

JUN 12 2002

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SERVICE is our only BUSINESS

VERIFICATION

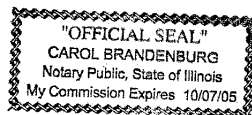
STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

James Kvedaras, being duly sworn, deposes and says that he is Director – Corporate Development for Canadian National Railway Company, agent for Chicago Central & Pacific Railroad Company, and that he has read the foregoing Petition for Exemption and knows the facts asserted therein, and that the same are true as stated.

James Kvedaras
Canadian National Railway Company
Agent for Chicago Central & Pacific Railroad Company

SUBSCRIBED AND SWORN
to before me this 3rd day of
JULY, 2002.

Carol Brandenburg
Notary Public



CERTIFICATE OF SERVICE

I, Michael J. Barron, Jr., Attorney for Chicago Central & Pacific Railroad Company, hereby certify that a copy of the foregoing Petition for Exemption has been served upon the following by first class mail, postage prepaid, on the date below shown:

Mr. Thomas Ross, Division Chief
National Center for Recreation and
Conservation
National Park Service
1849 C Street, N.W. Mailstop 3622
Washington, DC 20240

United States Department of Defense
MTMCTEA
Attn: Railroads for National Defense
720 Thimble Shoals Blvd. #130
Newport News, VA 23606-2574

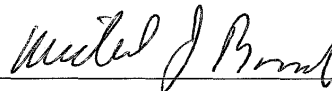
Dale Sperry, Manager
Prince Agri Products
2823 7th Avenue
Marion, IA 52302

Charles Emsley
Marion Sheet Metal
1995 6th Avenue
Marion, IA 52302

Mr. Michael P. Dombeck
Chief, Forest Service
U.S. Department of Agriculture
201 14th Street, S.W.
Washington, DC 20250

Mr. Neil Volmer
Director - Modal Division
Iowa Dept. of Transportation
800 Lincoln Way
Ames, IA 50010

Jim Fisher, General Manager
Linn Co-op
325 35th Street
Marion, IA 52302



Michael J. Barron, Jr.

Dated at Chicago, Illinois
this 5th day of July, 2002.

STB No. AB314 (Sub No. 2X)

Notice of Petition for Exemption to
Abandon or to Discontinue Service



On July ___, 2002, Chicago Central & Pacific Railroad Company filed with the Surface Transportation Board, Washington, DC 20423, a Petition for Exemption for part of the line known as the Marion-Louisa Industry Lead extending from milepost ZA 225.7 to milepost ZA 229.5, which traverses through United States Postal Service Zip Codes 52402 and 52302 a distance of 3.8 miles, in Linn County, Iowa. The line for which the abandonment exemption request was filed includes no stations.

The track segment to be abandoned 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 by the conditions set forth in *Oregon Short Line R.Co. - Abandonment - Goshen*, 360 I.C.C. 91 (1979).

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.

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.