



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

222531

June 4, 2008

VIA E-Filing

Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S W., Room 1149
Washington, DC 20423-0001

FILED

JUN 4 - 2008

**SURFACE
TRANSPORTATION BOARD**

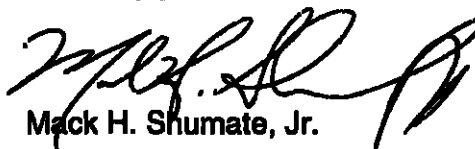
Re: Proposed Abandonment and Discontinuance of Service over the Marshall Industrial Lead from Milepost 0.0 to Milepost 2.2, a distance of 2.2 miles in Saline County, Missouri; STB Docket No. AB-33 (Sub-No. 264X)

Dear Ms. Quinlan:

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. 264X). Enclosed is a credit authorization voucher in the amount of \$3,200.00 for the filing fee.

Sincerely yours,



Mack H. Shumate, Jr.

Enclosures

FEE RECEIVED

JUN - 4 2008

**SURFACE
TRANSPORTATION BOARD**

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Before the
SURFACE TRANSPORTATION BOARD

222531

Docket No. AB-33 (Sub-No. 264X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN SALINE COUNTY, MISSOURI
(MARSHALL INDUSTRIAL LEAD)

NOTICE OF EXEMPTION

FILED
JUN 4 - 2008
SURFACE
TRANSPORTATION BOARD

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

FEE RECEIVED

JUN - 4 2008

SURFACE
TRANSPORTATION BOARD

Dated: June 4, 2008
Filed: June 4, 2008

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 264X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN SALINE, MISSOURI
(MARSHALL 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 Marshall Industrial Lead from Milepost 0.0 to Milepost 2.2, as derived from 1918 Missouri Pacific Railroad Company valuation map showing the line as being from survey station 0+00 at the connection with the River Subdivision, hereinafter equaling Milepost 0.0, to survey station 116+59 at the connection with the KCS, hereinafter equaling Milepost 2.2, in and around Marshall, a distance of 2.2 miles in Saline County, Missouri (the "Line").

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

The abandonment is proposed to be consummated on or after July 24, 2008 (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.

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 0.0 to Milepost 2.2, a distance of 2.2 miles. The Line is located in Saline County, Missouri. After abandonment, UP intends to reclassify and retain up to the first 3000-foot section of the Line east of central Marshall for various railroad purposes.

(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 Code 65340.

(e)(4) Rural and Community Impact. The Line was constructed by the Missouri Pacific Railway Company in the late 1880's. The Line is currently constructed with 85-pound jointed rail. The date the rail was put down is unknown.

After abandonment, Marshall, Missouri would continue to receive rail service from UP's River Subdivision just east of the Line to be abandoned and from the KCS to the west of the Line. Marshall lies on U. S. Route 65, which is primarily a north-south corridor. This highway accesses Interstate 70, a major east-west route, 11 miles south of town.

The land proposed for abandonment is mostly reversionary. UP does not believe the property is suitable for public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, in that the area is adequately served by existing roads and utility lines at the present time.

Based on information in UP'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 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.

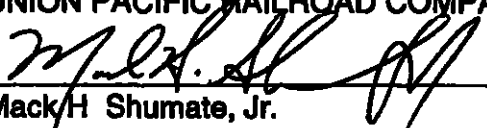
Environmental and Historic Report

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 March 24 2008. There are no structures on the Line that are fifty (50) years old or older. A copy of a Note from the Environmental Coordinator of the National Park Service ("ECUPS") received by Applicant on May 30, 2008 is attached hereto as **Exhibit D** and is hereby made a part hereof. This Note indicates that the ECUPS has no comment regarding the proposed abandonment as of May 5, 2008.

Dated this 4th day of June, 2008.

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

VERIFICATION

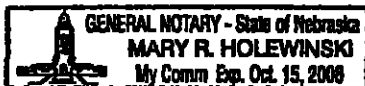
STATE OF NEBRASKA)

COUNTY OF DOUGLAS)

) ss
)

I, RAYMOND E ALLAMONG, JR , Senior Manager Rail Line Planning of Union Pacific Railroad Company, declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing document and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of Union Pacific Railroad Company I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U S C 1001 by imprisonment up to five years and fines up to \$10,000 for each offense Additionally, I know that these misstatements are punishable as perjury under 18 U S C 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense

Dated at Omaha, Nebraska, this 23rd day of May, 2008

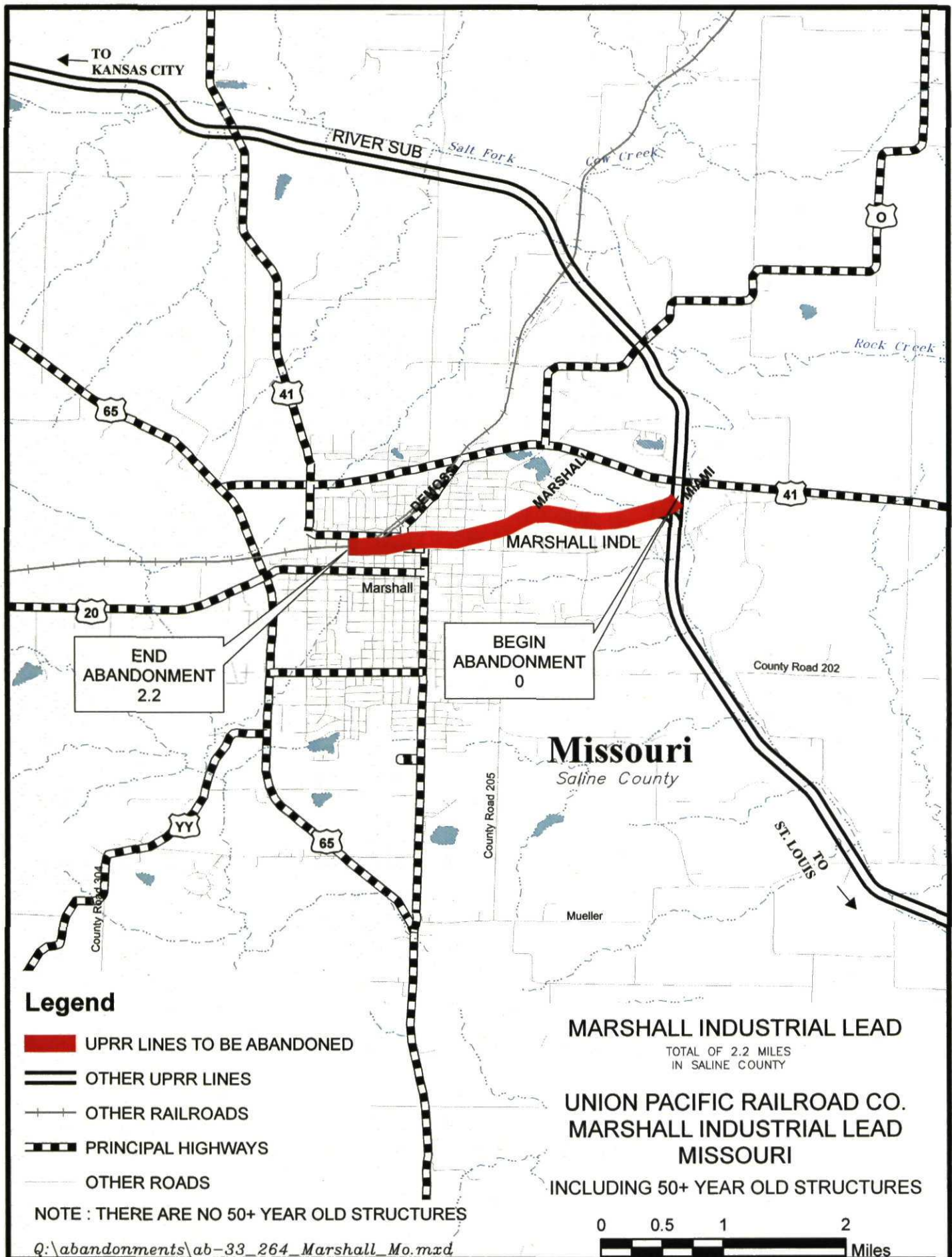



Raymond E Allamong, Jr

SUBSCRIBED AND SWORN TO
before me this 23rd day of
May, 2008


Notary Public

My Commission expires October 15, 2008



**Exhibit 2
AB-33 (Sub-No. 264X)**

**UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN SALINE COUNTY, MISSOURI
(MARSHALL INDUSTRIAL LEAD)**

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) - Notice

The undersigned certifies that on May 5, 2008 (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 Marshall Industrial Lead from Milepost 0.0 to Milepost 2.2, a distance of 2.2 miles in Saline County, Missouri in Docket No. AB-33 (Sub-No. 264X). Written notice (a copy of which is attached) was served on the following:

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

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

Iowa Department of Transportation
800 Lincoln Way
Ames, IA 50010

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

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—Environmental and Historic Report

The undersigned certifies that on March 25, 2008 (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. 264X) for

abandonment and discontinuance of the Marshall Industrial Lead in Saline County, Missouri 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)

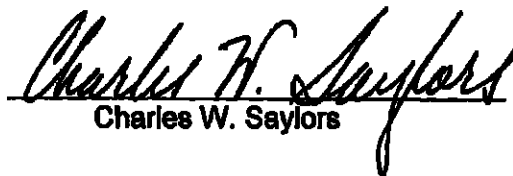
(The Certificate of Service attached to the Combined Environmental and Historic Report lists the names and addresses of the federal, state and local agencies served.)

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>
Saline	<i>The Marshall Democrat News</i>	May 5, 2008

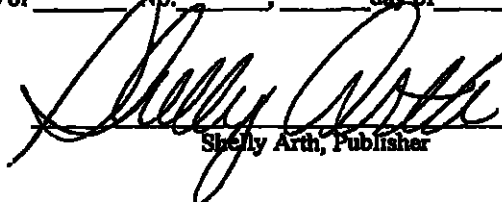
Dated this 2nd day of June, 2008.


Charles W. Saylor

STATE OF MISSOURI)
COUNTY OF SALINE) .SS

I Shelly Arth, being duly sworn, according to law, state that I am the Publisher Of The Marshall Democrat News, a daily newspaper of general circulation in the County of Saline, State of Missouri, Marshall, which newspaper has been admitted to the Post Office as periodical class matter is said City of Marshall, Missouri, the city of publication; which newspaper has been published regularly and consecutively for a period of three years and has a list of bona fide subscribers, voluntarily engaged as such who have paid or agreed to pay a stated price for a subscription for a definite period of time; and that such newspaper has complied with the provisions of Section 493.050, Revised Statutes of Missouri 2002, as amended and Section 59.310, Revised Statutes of Missouri 2002, as amended The Affixed notice appeared in said newspaper in the following consecutive issues:

1st Insertion: Vol. _____ No. _____, 5 day of May, 2008
2nd Insertion: Vol. _____ No. _____, _____ day of _____, 2008
3rd Insertion: Vol. _____ No. _____, _____ day of _____, 2008
4th Insertion: Vol. _____ No. _____, _____ day of _____, 2008


Shelly Arth, Publisher

Subscribed and sworn to before me this 5 day of May, 2008


Sandra Walter

Notary Public for Saline County, Missouri
My term as Notary Public expires on the 6th day of February, 2009.

Printer's fee \$ 54.00

**NOTICE OF INTENT TO
ABANDON AND
DISCONTINUE SERVICE**

UNION PACIFIC RAILROAD COMPANY ("UP") gives notice that on or after May 5, 2008, it intends to file with the Surface Transportation Board, Washington, D.C. 20423, a Notice of Exemption under 49 C.F.R. Part 1152, Subpart F-Exempt Abandonments and Discontinuances, for an exempt abandonment of service of the Marshall Industrial Lead from Milepost 0 00 near Miami to Milepost 2 20 near Marshall, a distance of 2 20 miles in Saline County, Missouri (the "Line"). The Line traverses U. S. Postal Service Zip Code 65340. The proceeding has been docketed as No. AB-33 (Sub-No. 264-X).

The Board's Section of Environmental Analysis ("SEA") will generally prepare an Environmental Assessment ("EA"), which will normally be available 25 days after the filing of the Notice of Exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 395 E Street, SW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on the applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at (866) 254-1792. Copies of any comments or requests for conditions should be served on the applicant's representative: Mack H. Shumate, Jr., Senior General Attorney, 101 North Wacker Drive, Room 1920, Chicago, Illinois 60606.

UNION PACIFIC RAILROAD COMPANY
May 5, 2008

FILE COPY

EXHIBIT C



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

March 24, 2008

VIA UPS OVERNIGHT

Surface Transportation Board
Section of Environmental Analysis
395 E Street, S.W., Room 1149
Washington, DC 200024

Attention: Victoria Rutson

Re: Proposed Abandonment and Discontinuance of Service over the Marshall Industrial Lead from Milepost 0.0 to Milepost 2.2, a distance of 2.2 miles in Saline County, Missouri; STB Docket No. AB-33 (Sub-No. 264X)

Dear Ms Rutson:

Enclosed for filing in the above-referenced docket are 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 Notice of Exemption in this matter on or after April 14, 2008.

Sincerely yours,

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

Mack H. Shumate, Jr.

Enclosures

O:\ABANDONMENTS\33-264X\EHRLetter.doc

EXHIBIT D



\$00.270

05/27/2008

Mailed From 68102
US POSTAGE

MAY 30 2008

LAW DEPARTMENT
UNION PACIFIC RR CO

Mack H Shumate, Jr.
Senior General Attorney, Law Dept.
Union Pacific Railroad
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606-1718



Re. Proposed Abandonment, Marshall Industrial Lead, Saline County, Missouri, Docket AB-33(Sub 264X)

We have received your letter and document of May 5, 2008 concerning the above referenced project

- ☒ We have no comment on your proposed actions
- ☒ Please address any further correspondence about this project or any project to the following address

**Regional Environmental Coordinator
National Park Service
Midwest Regional Office
601 Riverfront Drive
Omaha, NE 68102**

Due to limited staff and the number of requests we receive for early coordination, we ask that companies/agencies assume we will have no comments on projects if they have not heard from us within 30 days of our receipt of the request

Thank you,

Regional Environmental Coordinator