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SERVICE DATE - SEPTEMBER 20, 1999

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-33 (Sub-No. 140)]

Union Pacific Railroad Company—Abandonment—in Lancaster and Gage Counties, NE, and Marshall County, KS

On August 31, 1999, Union Pacific Railroad Company (UP) filed an application with the Surface Transportation Board (Board) for permission to abandon a 57.72-mile line known as the Beatrice Branch extending from milepost 66 near Jamaica, NE, to milepost 125 near Marietta, KS, in Lancaster and Gage Counties, NE, and Marshall County, KS.¹ The information contained in the application is bifurcated into two segments—the 29-mile northern segment between milepost 66 and milepost 95 north of Beatrice, and the 28.72-mile southern segment between mileposts 95 and 125.² The line includes the following stations in Nebraska: Aldo Jct., milepost 69.8; Princeton, milepost 74.7; Cortland, milepost 79.5; Pickrell, milepost 88.9; Beatrice, milepost 96.8; Holmesville, milepost 105.7; Blue Springs, milepost 110.3; and Barneston, milepost 118; and traverses United States Postal Service ZIP Codes 68404, 68331, 68422, 68310, 68374, 68318, 68309, and 66518.

¹ The track mileage is 1.28 miles less than the milepost differential because a track relocation on the line between Beatrice and Holmesville, NE, created a milepost discontinuity. (Milepost 101.72 now coincides with milepost 103.)

² UP states that the bifurcated information is based on the different origins for the service and the absence of any traffic projected for the northern segment. It did not provide bifurcated cost data for the base year.

In a decision served July 29, 1999, UP was granted a waiver of the requirements of 49 CFR 1152.22(c)-(d) to the extent those provisions require submission of revenue, cost, and service data relating to overhead or bridge traffic on the line.

The line does not contain federally granted rights-of-way. Any documentation in UP's possession will be made available promptly to those requesting it. UP's entire case for abandonment was filed with the application.

This line of railroad has been included in UP's system diagram map in category 1 since April 1, 1999.

The interests 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 interested person may file with the Board written comments concerning the proposed abandonment, or a protest (including the protestant's entire opposition case), by October 15, 1999. All interested persons should be aware that following any 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 under 49 U.S.C. 10905 (49 CFR 1152.28) or for a trail use condition under 16 U.S.C. 1247(d) (49 CFR 1152.29) must be filed by October 15, 1999. Each trail use request must be accompanied by a \$150 filing fee. See 49 CFR 1002.2(f)(27). UP's reply to any opposition statements and its response to trail use requests must be filed by November 1, 1999. See 49 CFR 1152.26(a).

Persons opposing the proposed abandonment who wish to participate actively and fully in the process should file a protest. Persons who may oppose the abandonment but who do not wish to participate fully in the process by appearing at any oral hearings or by

submitting verified statements of witnesses containing detailed evidence should file comments. Persons interested only in seeking public use or trail use conditions should also file comments.

In addition, a commenting party or protestant may provide:

- (i) An offer of financial assistance (OFA) for continued rail service under 49 U.S.C. 10904 (due 120 days after the application is filed or 10 days after the application is granted by the Board, whichever occurs sooner);
- (ii) Recommended provisions for protection of the interests of employees;
- (iii) A request for a public use condition under 49 U.S.C. 10905; and
- (iv) A statement pertaining to prospective use of the right-of-way for interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29.

All filings in response to this notice must refer to STB Docket No. AB-33 (Sub-No. 140) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001; and (2) Joseph D. Anthofer, 1416 Dodge Street, Omaha, NE 68179. The original and 10 copies of all comments or protests shall be filed with the Board with a certificate of service. Except as otherwise set forth in part 1152, every document filed with the Board must be served on all parties to the abandonment proceeding. 49 CFR 1104.12(a).

The line sought to be abandoned will be available for subsidy or sale for continued rail use if the Board decides to permit the abandonment in accordance with applicable laws and regulations (49 U.S.C. 10904 and 49 CFR 1152.27). Each OFA must be accompanied by a \$1,000 filing fee. See 49 CFR 1002.2(f)(25). No subsidy arrangement approved under

49 U.S.C. 10904 shall remain in effect for more than 1 year unless otherwise agreed by the parties (49 U.S.C. 10904(f)(4)(B)). UP will promptly provide upon request to each interested party an estimate of the subsidy and minimum purchase price required to keep the line in operation. UP's representative to whom inquiries may be made concerning sale or subsidy terms is set forth above.

Persons seeking further information concerning the abandonment procedures may contact the Board's Office of Congressional and Public Services at (202) 565-1592 or refer to the full abandonment regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1545. [TDD for the hearing impaired is available at (202) 565-1695.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary), prepared by SEA, will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in abandonment proceedings normally will be made available within 33 days of the filing of the application. The deadline for submission of comments on the EA will generally be within 30 days of its service date. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.

STB Docket No. AB-33 (Sub-No. 140)

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Decided: September 9, 1999

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams

Secretary