

28785
DO

SERVICE DATE - JANUARY 16, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 112X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--
IN LANCASTER COUNTY, NE

Decided: January 13, 1998

By decision and notice of interim trail use or abandonment served September 24, 1997, we granted the Union Pacific Railroad Company (UP) an exemption under 49 U.S.C. 10502 from the prior approval requirement of 49 U.S.C. 10903 to abandon a 1.88-mile segment of its Lincoln Branch between milepost 494.76, near 10th Street, and milepost 492.99, near 33rd Street, in Lincoln, NE, subject to conditions.¹ Before the decision authorizing abandonment became effective, Lincoln Lumber Company (LLC) timely filed an offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27(c) to purchase that portion of the line located between 19th Street and 24th Street.

By decision served October 8, 1997, LLC was found financially responsible, and the effective date of the decision authorizing abandonment was postponed for the segment located between 19th Street and 24th Street to permit the OFA process to proceed. Subsequently, LLC filed a request that the Board establish the conditions and the amount of compensation for the sale of the line. Thereafter, in a decision served December 3, 1997, the Board set the purchase price for the line at \$300,947, and established terms for transfer of the line. On December 23, 1997, LLC filed a petition to reopen the December 3, 1997, asserting that the Board had committed material error. LLC's petition will be considered in a subsequent decision.

By letter filed December 8, 1997, LLC indicates that it accepts the Board's terms and conditions and acknowledges that it will be bound by them unless they are modified as a result of its petition to reopen.

¹ The Board's decision also imposed a public use condition under 49 U.S.C. 10905 and a trail use condition under 16 U.S.C. 1247(d) for a portion of the segment between 18th Street (milepost 494.166) and 33rd Street (milepost 492.88). On October 14, 1997, the National Association of Reversionary Property Owners (NARPO) filed a petition to reopen the September 24, 1997 decision to vacate the trail use condition. The portion LLC will acquire here is included in, but does not embrace the entirety of, the portion of the line covered by the interim trail use/rail banking condition. Accordingly, NARPO's petition appears to be moot as to the portion of the line between 19th Street and 24th Street. NARPO's petition as to the other parts of the line will be considered in a subsequent decision.

When a person offering to purchase a line accepts the terms and conditions set by the Board, the offer is binding. See 49 U.S.C. 10904 and 49 CFR 1152.27(h)(7). Accordingly, the sale will be approved and the petition for exemption will be dismissed as to the segment located between 19th Street and 24th Street.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Under 49 U.S.C. 10904, LLC is authorized to acquire the segment located between 19th Street and 24th Street.
2. Under 49 U.S.C. 10904 and 49 CFR 1152.27(h)(7), the petition for exemption is dismissed as to that segment located between 19th Street and 24th Street, effective on the date the sale is consummated.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary

28785
DO

SERVICE DATE - JANUARY 16, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 112X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--
IN LANCASTER COUNTY, NE

Decided: January 13, 1998

By decision and notice of interim trail use or abandonment served September 24, 1997, we granted the Union Pacific Railroad Company (UP) an exemption under 49 U.S.C. 10502 from the prior approval requirement of 49 U.S.C. 10903 to abandon a 1.88-mile segment of its Lincoln Branch between milepost 494.76, near 10th Street, and milepost 492.99, near 33rd Street, in Lincoln, NE, subject to conditions.¹ Before the decision authorizing abandonment became effective, Lincoln Lumber Company (LLC) timely filed an offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27(c) to purchase that portion of the line located between 19th Street and 24th Street.

By decision served October 8, 1997, LLC was found financially responsible, and the effective date of the decision authorizing abandonment was postponed for the segment located between 19th Street and 24th Street to permit the OFA process to proceed. Subsequently, LLC filed a request that the Board establish the conditions and the amount of compensation for the sale of the line. Thereafter, in a decision served December 3, 1997, the Board set the purchase price for the line at \$300,947, and established terms for transfer of the line. On December 23, 1997, LLC filed a petition to reopen the December 3, 1997, asserting that the Board had committed material error. LLC's petition will be considered in a subsequent decision.

By letter filed December 8, 1997, LLC indicates that it accepts the Board's terms and conditions and acknowledges that it will be bound by them unless they are modified as a result of its petition to reopen.

¹ The Board's decision also imposed a public use condition under 49 U.S.C. 10905 and a trail use condition under 16 U.S.C. 1247(d) for a portion of the segment between 18th Street (milepost 494.166) and 33rd Street (milepost 492.88). On October 14, 1997, the National Association of Reversionary Property Owners (NARPO) filed a petition to reopen the September 24, 1997 decision to vacate the trail use condition. The portion LLC will acquire here is included in, but does not embrace the entirety of, the portion of the line covered by the interim trail use/rail banking condition. Accordingly, NARPO's petition appears to be moot as to the portion of the line between 19th Street and 24th Street. NARPO's petition as to the other parts of the line will be considered in a subsequent decision.

When a person offering to purchase a line accepts the terms and conditions set by the Board, the offer is binding. See 49 U.S.C. 10904 and 49 CFR 1152.27(h)(7). Accordingly, the sale will be approved and the petition for exemption will be dismissed as to the segment located between 19th Street and 24th Street.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Under 49 U.S.C. 10904, LLC is authorized to acquire the segment located between 19th Street and 24th Street.
2. Under 49 U.S.C. 10904 and 49 CFR 1152.27(h)(7), the petition for exemption is dismissed as to that segment located between 19th Street and 24th Street, effective on the date the sale is consummated.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary