

39563  
SEC

SERVICE DATE – NOVEMBER 26, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 230X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN LASSEN  
COUNTY, CA, AND WASHOE COUNTY, NV

Decided: November 25, 2008

On November 24, 2008, an entity called The Banks Family Trust (Trust) submitted a filing entitled “Evidence of: Provision of Bond” on behalf of Robert Alan Kemp. Attached to the filing is a Surface Transportation Board filing fee payment form that has been modified, adding language asking the Board “to establish a BOND to be held in Trust” by the Board and referring to “disbursement” by the Board of monies to be held in trust to Union Pacific Railroad Company in connection with Mr. Kemp’s offer of financial assistance (OFA), which was rejected in a decision served on September 19, 2008.

Under 49 CFR 1104.10, the Board may reject a document submitted for filing if it finds that the document does not comply with the Board’s rules. The Board’s rules do not provide for the Board to accept monies in trust in Board proceedings. Therefore, the Trust’s filing will be rejected and returned to the Trust unfiled.

The appropriate avenue to address a decision rejecting an OFA is to file an appeal of that decision, which Mr. Kemp has done. The Board will address the merits of Mr. Kemp’s appeal in a subsequent decision. The Trust’s November 24 filing, and its rejection, will have no bearing on that decision.

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

It is ordered:

1. The Trust’s filing is rejected.

2. This decision is effective on the date of service.

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan  
Acting Secretary