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SEC

SERVICE DATE - LATE RELEASE JANUARY 9, 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 9, 1998

By decision and notice of interim trail use or abandonment served September 24, 1997, Union Pacific Railroad Company (UP) was granted 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.<sup>1</sup> 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 decision on the ground of material error.

On January 6, 1998, UP filed a request seeking an extension of time to file its reply to LLC's petition to reopen the December 3, 1997 decision. The due date for UP's reply is January 12, 1998. Because of the intervening holidays and resulting vacations, UP states that its representatives need an additional week to review and respond to LLC's petition. UP represents that counsel for LLC has no objection to this request.

UP's request for an extension of time will be granted.

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<sup>1</sup> The Board's decision 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. NARPO's petition will be considered in a subsequent decision.

It is ordered:

1. UP's extension request is granted.
2. UP's reply is due January 20, 1998.
3. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary

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