

30399  
DO

SERVICE DATE - JULY 29, 1999

SURFACE TRANSPORTATION BOARD

DECISION

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

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT—  
IN LANCASTER AND GAGE COUNTIES, NE  
AND MARSHALL COUNTY, KS

Decided: July 27, 1999

By petition filed July 14, 1999, Union Pacific Railroad Company (UP) seeks 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 a line it intends to propose for abandonment. UP plans to file an application on or about August 31, 1999, to abandon a 59-mile segment of its 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.

According to UP, the overhead traffic consists of detour traffic that moved over the line while other UP lines were being upgraded or undergoing maintenance work and grain trains that typically originated in Lincoln, NE, and moved over the line to Marysville, KS, and then south to the Gulf Coast region or other destinations. Assertedly, the preferred route for grain trains originating in Lincoln is north over a UP line to Council Bluffs, IA, then south to Kansas City, KS, and beyond. Thus, UP submits that there will be no adverse effect on the shippers of the line's overhead traffic because that traffic can continue to be handled over the preferred route. UP argues that identifying and calculating the revenue, cost, and service data attributable to the line's overhead traffic would require a great number of work hours and impose an excessive burden on UP.

The waiver request will be granted. Under 49 CFR 1152.24(e)(5), an applicant seeking to abandon a line of railroad may request waiver of specific regulations listed in Subpart C of Part 1152. Information about overhead and bridge traffic that a railroad retains over other routes is not required in an abandonment application. Because the overhead traffic moving over this line segment can continue to move over another, preferred route, it will not be affected by the proposed abandonment. Thus, past overhead and bridge traffic data for the line segment would serve no useful purpose and would impose an unnecessary evidentiary burden on UP. Approving the waiver would not appear to harm or prejudice any private or public interest.

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

It is ordered:

1. The petition for waiver is granted.
2. This decision is effective on the date of service.

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

Vernon A. Williams  
Secretary