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SERVICE DATE – DECEMBER 30, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 270X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN  
OSBORNE AND SMITH COUNTIES, KS

Decided: December 29, 2009

Union Pacific Railroad Company (UP) and Kyle Railroad Company (Kyle) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments and Discontinuances of Service for UP to abandon, and for Kyle to discontinue service over, a 12.4-mile portion of a line of railroad known as the Lenora Branch Line, extending between milepost 540.3, west of Downs, KS, and milepost 552.7, west of Portis, KS, at the end of the line, in Osborne and Smith Counties, KS. Notice of the exemption was served and published in the Federal Register on July 28, 2008 (73 FR 43822-23) (July 2008 notice).<sup>1</sup> The exemption became effective on August 27, 2008.

In the July 2008 notice, the Board stated that, if consummation had not been effected by UP's filing of a notice of consummation by July 28, 2009, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire. Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings. By decision served on July 27, 2009, the Board granted UP's request for extension, until December 31, 2009, of the time to file its notice of consummation in this proceeding.

On December 18, 2009, UP requested a further extension, until June 1, 2010, of the time to consummate the abandonment. In support, UP states that it has completed approximately 50 percent of the process of salvaging the line, and, based on the salvage contractor's revised estimates, the salvage process will not be completed until late April of 2010. UP has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding. Accordingly, the request will be granted.

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

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<sup>1</sup> The July 2008 notice embraced STB Docket No. AB-486 (Sub-No. 5X), Kyle Railroad Company—Discontinuance of Service Exemption—in Osborne and Smith Counties, KS.

It is ordered:

1. UP's request for an extension of time to consummate the abandonment is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before June 1, 2010.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.