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SERVICE DATE – JULY 27, 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: July 23, 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 Services 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.<sup>1</sup> Notice of the exemption was served and published in the Federal Register on July 28, 2008 (73 FR 43822-23). The exemption became effective on August 27, 2008. In the July 28, 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. On July 3, 2009, UP filed a request to extend, until December 31, 2009, the time to file its notice of consummation. In support, UP states that it is in the process of salvaging the 12.4-mile line, and that the salvage contractor estimated that the salvage process will not be completed until the late fall of 2009. 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 notice served and published on July 28, 2008, 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 December 31, 2009.
3. This decision is effective on its service date.

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

Anne K. Quinlan  
Acting Secretary