

209361



# Nebraska Trails Foundation, Inc.

1644 Woodsvew • Lincoln, NE • 68502-4649 • 402-420-5885

November 3, 2003

Vernon Williams, Secretary  
Surface Transportation Board  
1925 K Street NW  
Washington, DC 20423-0001



RE: Surface Transportation Board Docket No. AB-33 (Sub-No. 208X);  
Union Pacific Railroad Company - Abandonment Exemption in Marshall R  
County, Kansas (Marietta Industrial Lead) from M.P. 133.13 to M.P. 125.0.

Dear Secretary Williams:

I forgot to include the \$150 check for the above request. It is enclosed here.

If you have any questions, you may contact me at:  
3901 S 29<sup>th</sup> St., Unit 29  
Lincoln, NE 68502  
402-475-7712

Thank you.

Yours truly,

*Ross Greathouse*

Ross Greathouse  
For Nebraska Trails Foundation

RG:cg  
Enclosure  
CC: John Angle, Pres. NE Trails Foundation

**FILED**

NOV 10 2003

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Office of Proceedings

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209361



# Nebraska Trails Foundation, Inc.

1644 Woodview • Lincoln, NE • 68502-4649 • 402-420-5885

October 31, 2003



Vernon Williams, Secretary  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423-0001

**FILED**

NOV 10 2003

RE: Surface Transportation Board, Docket No. AB-33 (Sub-No 208X).  
Union Pacific Railroad Company – Abandonment Exemption in  
Marshall County, Kansas (Marietta Industrial Lead) from M. P. 133.13  
to M. P. 125.0.

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Dear Mr. Williams:

This comment should be treated as a protest or a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of Nebraska Trails Foundation, Inc., a non-profit organization interested in promoting trail development, which is hereinafter referred to as "Commenter." Further support has been attained through the City of Marysville's "Quality of Life" advisory committee. The City of Marysville appointed this committee to define and implement quality of life elements.

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Commenter takes no position on the propriety of discontinuance of current rail service, but Commenter does request issuance of a Notice of Interim Trail Use rather than outright abandonment authorization. These comments pertain to the rail line of Union Pacific Railroad, with respect to that portion of the right-of-way in Marshall County, Kansas between Milepost 125 near Marietta, Kansas to Milepost 133.13 near Marysville, Kansas, a distance of approximately 8.13 miles. The right-of-way is part of a line proposed for abandonment in Docket AB-33 (Sub-No 208X.)

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A map of the right-of-way is attached.

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A. Public Use Condition  
Commenter requests the Surface Transportation Board find that this property is suitable for other public use, specifically trail use, and to place the following condition on the abandonment:

1. Barring non-public disposition

Condition sought: an order prohibiting the carrier from disposing of the corridor, other than the tracks, ties, and signal equipment, except for public use on reasonable terms.

Justification: This corridor offers an excellent addition to the recreational trails system of the state of Kansas which connect to major trails in the state of Nebraska. This property would allow us to provide hiking and bicycle routes paralleling the Big Blue River connecting Marysville, Kansas to Beatrice, Lincoln and Omaha, Nebraska. It would offer excellent wildlife viewing and recreational facilities for many small towns.

The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time to coordinate efforts with local interest groups and to commence negotiations with the carrier.

2. Preserving trail-related structures

Condition sought: an order barring removal or destruction of trail-related structures such as bridges, culverts, ballast and rip/rap, but not removal of tracks, ties, and signal equipment.

Justification: Bridges, culverts, ballast and rip/rap have considerable value for, and would certainly facilitate, recreational trail purposes. On the other hand, such structures generally have negative salvage value for a railroad so their preservation poses no burden on interstate commerce.

The time-period requested is 180 days from the effective date of the abandonment authorization for the same reason indicated above.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for rail-banking, in addition to the public use conditions sought above, Commenter also requests rail-banking and interim trail use. Commenter accordingly makes the following statement:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL  
RESPONSIBILITY

In order to establish interim trail use and rail-banking under Section 8(d) of the National Trails system Act, 16 U.S.C. 1247 (d), and 49 C.F.R. 1152.29, Nebraska Trails Foundation, Inc. and City of Marysville, Kansas Quality of Life Committee are willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the use is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by Union Pacific Railroad.

A map depicting right-of-way is attached.

Nebraska Trails Foundation, Inc. and City of Marysville, Kansas Quality of Life Committee acknowledge that use of the right-of-way is subject to the users continuing to meet its responsibilities described above, and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

A copy of this statement is being served on the railroad on the same date it is being served on the commission.

By my signature below, I certify service upon Mack Shumate, Jr., Senior General Attorney, 101 N. Wacker Dr. Room 1920, Chicago, IL 60606.

Respectfully submitted,



Ross Greathouse  
For Nebraska Trails Foundation, Inc.  
3901 South 27<sup>th</sup> Street, No. 29  
Lincoln, NE 68502

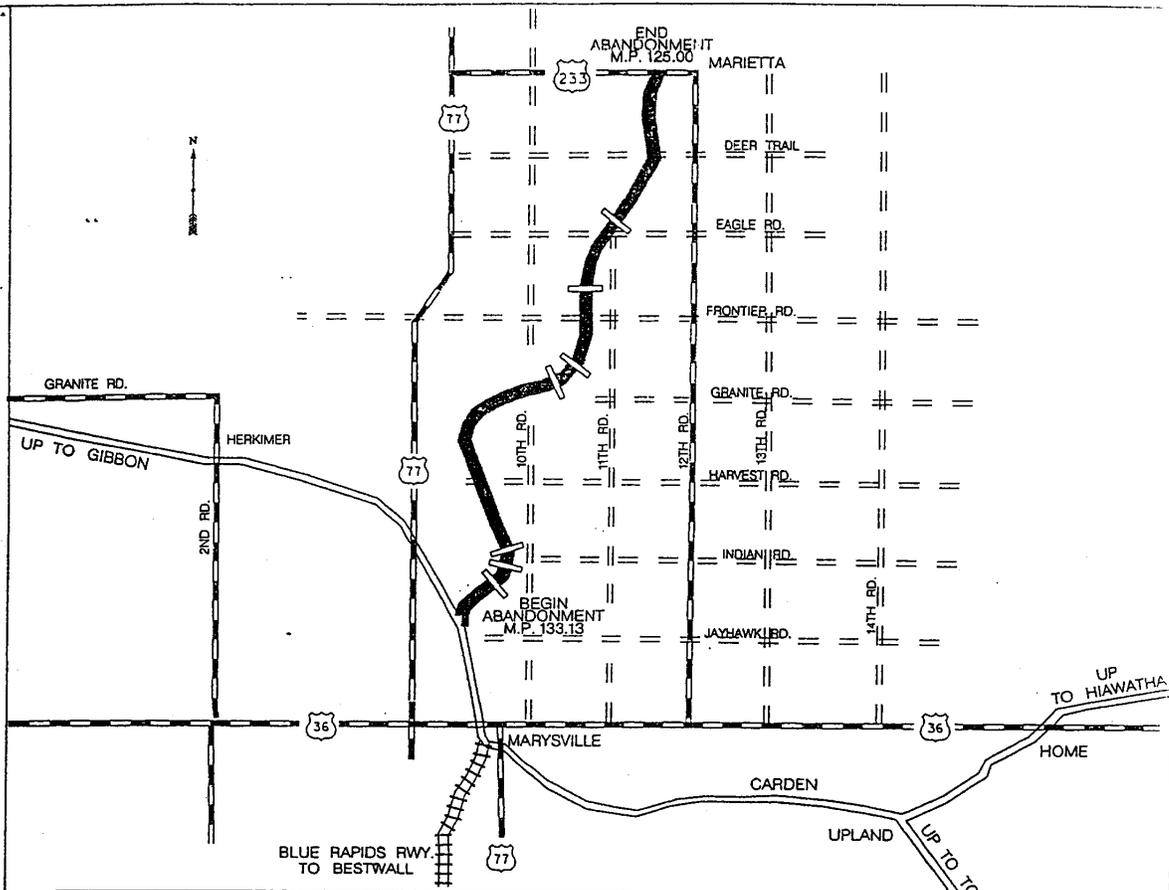
RG:cg

CC: Mack Shumate, Jr.,  
Senior General Attorney  
101 N Wacker Dr, Room 1920  
Chicago, IL 60606

John Angle, President  
Nebraska Trails Foundation, Inc  
3800 South 42 Street  
Lincoln, NE 68506

Don Abel  
Senior Mgr-Real Estate  
Union Pacific Railroad  
1800 Farnam Street  
Omaha, NE 68102

Steve O'Neal  
City of Marysville Quality of Life Committee  
406 N 18 Street  
Marysville, KS 66508



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
BR 126.99	2- 60' DPG SP & 1- 30' WFB	150'	1932
BR 127.89	1- 30' SP TBD	30'	1932
BR 128.88	3- 14' TPT-BD	42'	1953
BR 129.06	3- 45' WFB	135'	1953
BR 131.97	3- 14' TPT-BD	42'	1943
BR 132.25	7- 14' TPT-BD	98'	1936
BR 132.47	3- 14' TPT-BD	42'	1938

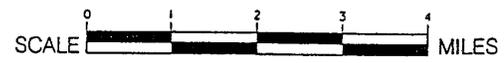
STATION	MILE POST	AGENCY
MARIETTA	125.90	NO

MARIETTA INDUSTRIAL LEAD  
 M.P. 125.00 TO M.P. 133.13 - A TOTAL OF  
 8.13 MILES  
 IN MARSHALL COUNTY, KANSAS

LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- 50+ YEAR OLD STRUCTURES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

UNION PACIFIC RAILROAD CO.  
 MARIETTA INDUSTRIAL LEAD  
 INCLUDING 50+ YEAR OLD STRUCTURES



SCALE 0 1 2 3 4 MILES  
 O:\ABANDONMENT\LAB0330\_MARIETTA.DGN APRIL 8, 2003