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JUN 18 2007
SURFACE
TRANSPORTATION BOARD



Mack H. Shumate, Jr.
Senior General Attorney, Law Department

June 15, 2007

21956



VIA U.P.S. OVERNIGHT

Mr. Vernon Williams, Secretary
Surface Transportation Board
Section of Environmental Analysis
1925 "K" St., N.W., Room 504
Washington, DC 20423-0001

FILED

JUN 18 2007

SURFACE
TRANSPORTATION BOARD

Re: Petition for Exemption for Abandonment in Cass County, Nebraska (Weeping Water Industrial Lead), a total distance of 1.98 miles in Cass County, Nebraska; STB Docket No. AB-33 (Sub-No. 250X)

Dear Mr. Williams:

Pursuant to 49 U.S.C. §10502, Union Pacific Railroad Company submits the original and ten (10) copies of a Petition for Exemption, with Verification, to abandon the above-referenced rail line. The Certificate of Service and Publication pursuant to 49 C.F.R. §1252.60(d) and 49 C.F.R. §1105.12 is attached to the Petition.

Also enclosed is a draft Federal Register notice pursuant to 49 C.F.R. §1152.60(c). Three computer diskettes containing the draft Federal Register notice, as well as the Petition for Exemption and Certificate of Service and Publication are also enclosed.

Please file the Petition for Exemption in Docket No. AB-33 (Sub-No. 250X). Further, enclosed is Union Pacific's voucher for \$5,400.00 for the filing fee.

Sincerely yours,

Mack H. Shumate, Jr.

Enclosures

O \ABANDONMENTS\33-250X\STB-Pet\tr doc

ENTERED
Office of Proceedings
JUN 18 2007
Part of
Public Record

cc:

MTMCTEA

**Attn: Railroads for National Defense
720 Thimble Shoals Blvd., Suite #130
Newport News, VA 23606-2574**

**U.S. Department of the Interior
National Park Service
Recreation Resources Assistance Div.
P.O. Box 37127
Washington, DC 20013-7127**

**U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Auditors Building
14th Street & Independence Ave., S.W.
Washington, DC 20250**

**Nebraska Public Services Commission
1200 N Street, Suite 300
Lincoln, NE 68508**

**Cass County Commissioners
346 Main Street
County Courthouse
Plattsmouth, NE 68048-1957**

**Jerico Services, Inc.
PO Box 607
Indianola, IA 50121**

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BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 250 X)



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TRANSPORTATION BOARD

UNION PACIFIC RAILROAD COMPANY
-- PETITION FOR EXEMPTION FOR ABANDONMENT --
IN CASS COUNTY, NEBRASKA
(WEEPING WATER INDUSTRIAL LEAD)

PETITION FOR EXEMPTION

FILED
JUN 18 2007
SURFACE
TRANSPORTATION BOARD

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Public Record

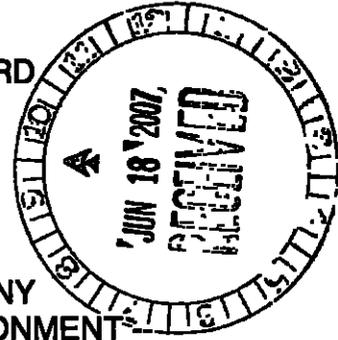
UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive
Room 1920
Chicago, IL 60606
Tel: 312/777-2055
Fax: 312/777-2065

Dated: June 15, 2007
Filed: June 18, 2007

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 250X)



**UNION PACIFIC RAILROAD COMPANY
-- PETITION FOR EXEMPTION FOR ABANDONMENT
IN CASS COUNTY, NEBRASKA
(WEEPING WATER INDUSTRIAL LEAD)**

PETITION FOR EXEMPTION

I.

INTRODUCTION

Union Pacific Railroad Company ("UP") hereby petitions the Board, pursuant to 49 U.S.C. §10502, to grant an exemption from 49 U.S.C. §§10903 in order to permit abandonment of the Weeping Water Industrial Lead from Milepost 461.74 to Milepost 463.72 near Weeping Water, a distance of 1.98 miles in Cass County, Nebraska (the "Line").

UP certifies that the sole active customer on the Line is Jerico Services, Inc. ("Jerico"). By agreement, Jerico's corporate officers relocated their facility to a site immediately east of the proposed abandonment that remains rail served by UP.

Therefore, the only shipper on the Line in the last two (2) years, Jerico, no longer uses the Line.

There is no practicable possibility for new rail business on the Line. There is no overhead traffic on the Line.

UP seeks exemption of this proposed abandonment of service from regulation under 49 U.S.C. §10903 in accordance with 49 U.S.C. §10502 and the Rules applicable thereto at 49 C.F.R. §1121 and 49 C.F.R. §1152 and the Special Rules at 49 C.F.R. §1152.60.

II.

PETITIONER'S BACKGROUND AND REPRESENTATIVE

UP has rail operations in the States of Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Tennessee, Texas, Utah, Washington, Wisconsin and Wyoming. UP owns and operates over the entire Line from Milepost 461.74 to Milepost 463.72 a distance of 1.98 miles in Cass County, Nebraska.

The name, address and telephone number of UP's representative is listed below:

**Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive
Room 1920
Chicago, IL 60606
Tel: 312/777-2055
Fax: 312/777-2065**

III.

LINE DESCRIPTIONS, ZIP CODE INFORMATION AND MAP

The proposed action involves the abandonment of UP's operations over the entire Line from Milepost 461.74 to Milepost 463.72 a distance of 1.98 miles in Cass County, Nebraska.

The Line was constructed in the 1880's by the Missouri Pacific Railway. In 1918 and 1919 the Line was laid with 85-pound jointed rail.

The Line traverses U.S. Postal Service Zip Code 68463.

A map of the Line is attached hereto as **Attachment No. 1** and is hereby made a part hereof.

IV.

SHIPPER INFORMATION

The sole active customer on the Line was Jerico Services, Inc. ("Jerico"). Jerico relocated their facility to a site in Weeping Water, Nebraska immediately east of the proposed abandonment that is rail served by UP. Jerico's recent shipping profile is as follows:

Jerico Services, Inc.
P. O. Box 607
Indianola, IA 501215

2005: Magnesium Chloride Brine, STCC 2812659, 16 cars, 1611 tons.

2006: Magnesium Chloride Brine, STCC 2812659, 22 cars, 2162 tons.

Therefore, the abandonment of the Line will have no adverse effect on Jerico. There appears to be no reasonable alternative to the abandonment. The Line serves the sole function of accessing the lone industry track of Jerico. There is no other current rail

customer on the Line and no location of a new rail served industry along the Line is anticipated. There is no overhead traffic.

V.

REASONS FOR THE ABANDONMENT OF SERVICE

There appears to be no reasonable alternative to the abandonment of the Line. There will be no adverse effect on shippers on the Line. The Line is in poor condition and severely underutilized. There appears to be no prospect of new traffic on the Line.

The proposed abandonment will permit UP to eliminate two miles of operations and maintenance; however, a greater benefit will be the avoidance of a major upgrade to the Nebraska Route 50 grade crossing that would otherwise be required by the widening of that highway. Elimination of the crossing will save significant construction expense and enhance safety for both the UP and motorists.

The sole function of the Line was to access the industry tracks of Jerico which has moved its operation to another facility on the UP in Weeping Water, Nebraska. There is no other industry in the area, and none is anticipated. There is no overhead traffic and no passenger or freight traffic will be diverted to other transportation systems or modes as a result of the proposed abandonment.

There should be no effect on regional or local transportation systems or patterns, and there will be no diversion to other modes or systems.

The UP is of the opinion that the proposed abandonment will be beneficial to the UP and interstate commerce.

VI.

REASONABLE ALTERNATIVE; VIABILITY

There appears to be no reasonable alternative to the abandonment. The right-of-way proposed for abandonment is non-reversionary. UP does not believe the property is suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, in that the area is adequately served by existing roads and utility lines. There should be no effect on regional or local transportation systems or patterns, and there will be no diversion to other modes or systems. There will be no effects on the transportation of energy resources and there will be no rail-to-motor diversion and no increase in rail traffic, rail yard activity, or truck traffic as a result of this abandonment. To date, there has been no interest as a rails-to-trails corridor. The best plan for disposition may be to sell the right-of-way to the adjacent landowners. Based on information in UP's possession, the Line does not contain federally granted right-of-way. Any documentation in UP's possession will be made available to those requesting it.

VII.

THE EXEMPTION STANDARDS HAVE BEEN MET

A. The abandonment requires an exemption from 49 U.S.C. §10903.

Abandonment of rail lines requires authorization and approval of the Board pursuant to 49 U.S.C. §10903. However, 49 U.S.C. §10502 requires the Board to exempt a transaction when it finds: (1) continued regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. §10101; and (2) either the transaction is of limited scope or Board regulation is not necessary to protect shippers from an abuse

of market power. UP's proposal for abandonment of operations clearly satisfies the standards for exemption under 49 U.S.C. §10502.

Detailed scrutiny by the Board under 49 U.S.C. §10903 is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. §10101. An exemption will minimize UP's administrative expense and the cost, preparation and review associated with progressing the proposed abandonment of operations in a full application proceeding. An exemption will expedite regulatory action and will reduce regulatory barriers to exit from the Line consistent with Sections 10101(2) and (7). An exemption will foster sound economic conditions in the transportation industry consistent with Section 10101(5), by permitting UP's abandonment of operations of the Line and avoiding the need to retain and operate a rail line that will not be used by any shipper.

The proposed abandonment of service is clearly a transaction of "limited scope." The Line which consists of the Weeping Water Industrial Lead is only 1.98 miles long and will have no recurring local traffic.

VIII.

LAND AREA, FEDERAL GRANT INFORMATION, AND PUBLIC USE

The right-of-way is approximately 1.98 miles in length and is generally 100 feet wide, being 50 feet on either side of the centerline of the track. The topography of the Line is level with adjacent ground, and is in a predominantly agricultural area. The property is generally not suitable for other public purposes including roads or highways, other forms of mass transportation, conservation, energy production or transmission, as the area because of its limited population base is adequately served by existing roads and utility lines at the present time. Based on information in UP's possession, the Line

does not contain federally granted right-of-way. Any documentation in UP's possession concerning ownership of the Line will be made available to those requesting it. After the abandonment, the closest rail service will be provided by UP on the remaining portion of the Weeping Water Industrial Lead. There are no stations subject to abandonment.

IX.

LABOR

UP is agreeable to the labor protection conditions imposed in abandonment proceedings as prescribed in Oregon Short Line R. Co. - Abandonment - Goshen, 360 ICC 91 (1979).

X.

ENVIRONMENTAL AND HISTORIC REPORT

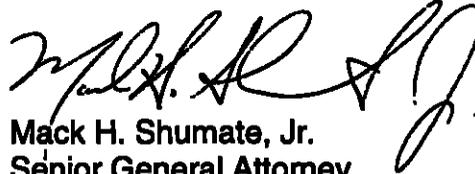
The required environmental and historic information is contained in the Combined Environmental and Historic Report (the "CEHR") which was served on February 13, 2007. A copy of the CEHR transmittal letter is attached hereto as **Attachment No. 2**. The original and ten (10) copies of the CEHR were sent to Ms. Victoria Rutson, Section of Environmental Analysis, on February 12, 2007, for filing. The Environmental Coordinator for the National Park Service, by letter dated May 4, 2007, a copy of which is attached hereto as **Attachment No. 3**, has no comment on the proposed abandonment. The abandonment has been cleared by the Nebraska State Conservationist by letter dated February 16, 2007, a copy of which is attached hereto as **Attachment No. 4**.

WHEREFORE, Union Pacific Railroad Company respectfully requests that the Board issue a decision exempting the proposed abandonment of service from the provisions of 49 U.S.C. §10903 and direct that the exemption be effective on the date of the Board's decision.

Dated this 15th day of June, 2007.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive
Room 1920
Chicago, IL 60606
Tel: 312/777-2055
Fax: 312/777-2065

DRAFT FEDERAL REGISTER NOTICE
[49 C.F.R. § 1152.60(c)]

STB No. AB-33 (Sub-No. 250X)
Notice of Petition for Exemption to Abandon or
to Discontinue Service

On June 18, 2007, Union Pacific Railroad Company filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for abandonment of the Weeping Water Industrial Lead from Milepost 461.74 to Milepost 463.72, a distance of 1.98 miles in Cass County, Nebraska, (the "Line"). There are no shippers on the Line that will be adversely affected by the proposed abandonment.

The Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected as required by 49 U.S.C. 10903(b)(2).

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR Part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis, telephone (202) 245-0295.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary), prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

CERTIFICATE OF SERVICE AND PUBLICATION

The undersigned hereby certifies that a copy of the foregoing Petition for Exemption in Docket No. AB-33 (Sub-No. 250X) by Union Pacific Railroad Company was served on the date indicated below by mailing a copy, first class mail postage prepaid to the following:

MTMCTEA

Attn: Railroads for National Defense
720 Thimble Shoals Blvd., Suite #130
Newport News, VA 23606-2574

Nebraska Public Service Commission
1200 N Street, Suite 300
Lincoln, NE 68508

U.S. Department of the Interior
National Park Service
Recreation Resources Assistance Divn.
P.O. Box 37127
Washington, DC 20013-7127

Cass County Commissioners
346 Main Street
County Courthouse
Plattsmouth, NE 68048-1957

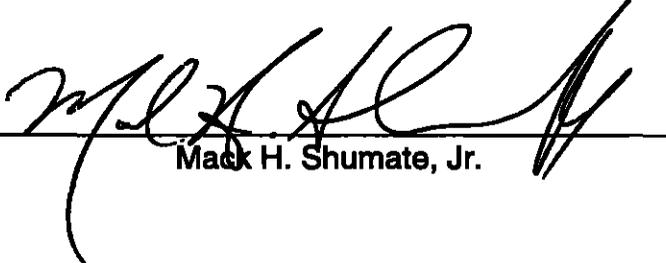
U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Auditors Building
14th Street & Independence Ave., S.W.
Washington, DC 20250

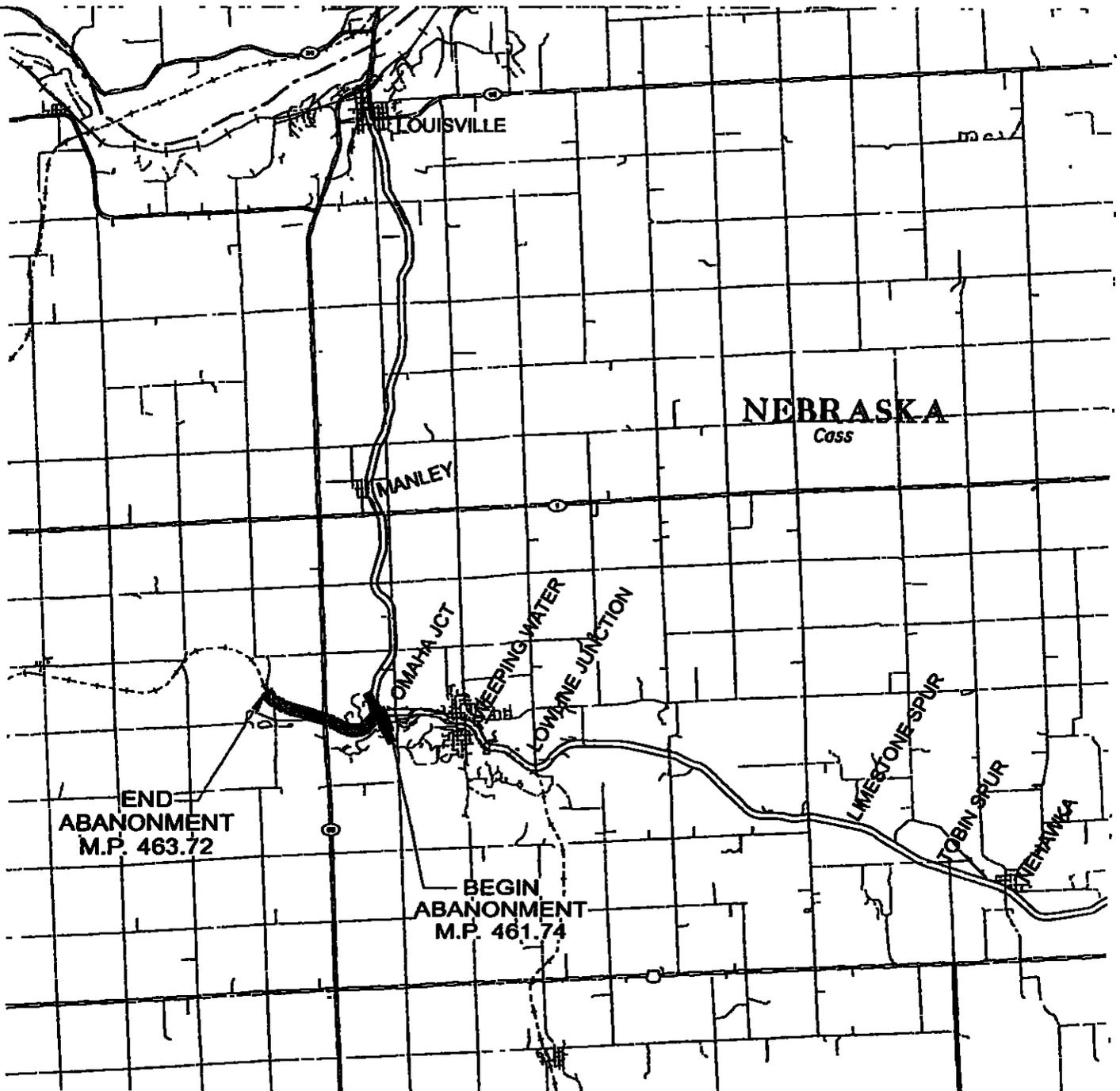
The undersigned further certifies that a Notice of Abandonment and Discontinuance of Service was published one time in the county where the Line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Cass	Plattsmouth Journal	May 17, 2007

The above newspaper is generally circulated in the county where the rail line is located. The Notice as published was in the form prescribed by the Board for a Petition for Exemption at 49 C.F.R. 1105.12.

Dated this 15th day of June, 2007.


Mack H. Shumate, Jr.



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
4813	8 SPAN RAIL TIMBER PILE TRUSS OPEN DECK (TPOD)	77'	1941

LEGEND

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

WEeping WATER INDUSTRIAL LEAD

MP 461.74 TO MP 463.72
TOTAL OF 1.98 MILES IN CASS COUNTY

**UNION PACIFIC RAILROAD CO.
WEeping WATER INDUSTRIAL LEAD
NEBRASKA**

INCLUDING 50+ YEAR OLD STRUCTURES



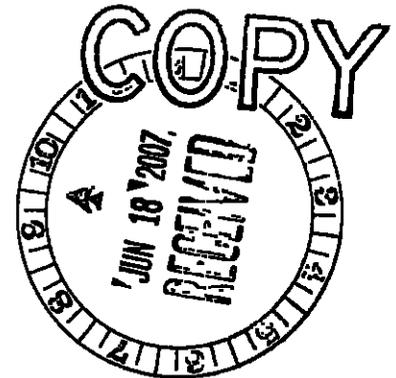
FILE: O:\abandonments\ab33_250_weepingwater_v8.dgn

DATE: 12-Dec-06 14:35



Mack H. Shumate, Jr.
Senior General Attorney, Law Department

February 12, 2007



VIA U.P.S. OVERNIGHT
Surface Transportation Board
Section of Environmental Analysis
1925 "K" St., N.W., Room 504
Washington, DC 20423-0001

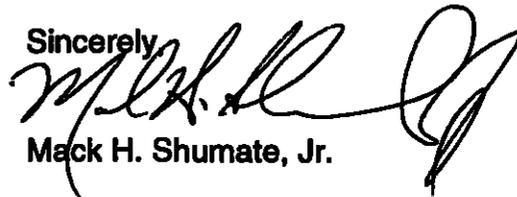
Attention: Victoria Rutson

Re: Proposed Abandonment of the Weeping Water Industrial Lead from M. P. 461.74 to M. P. 463.72, a distance of 1.98 miles near Weeping Water in Cass County, Nebraska; STB Docket No. AB-33 (Sub-No. 250X)

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Petition for Exemption in this matter on or after March 5, 2007.

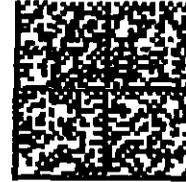
Sincerely,

Mack H. Shumate, Jr.

Enclosures

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AB33-250X

Environmental Coordinator
National Park Service
Midwest Regional Office
601 Riverfront Drive
Omaha, NE 68102



request#

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05/04/2007
Mailed From 68102
US POSTAGE

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MAY 09 2007

LAW DEPARTMENT
-UNION PACIFIC RR CO

Union Pacific Railroad
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606-1718



Re Proposed Abandonment, Barber-Greene Spur, DeKalb County, Illinois
Proposed Abandonment, Weeping Water Industrial Lead, Cass County, Nebraska

We have received your letters of May 1, 2007 concerning the above referenced projects

- We have no comment on your proposed actions
- Please address any further correspondence about this project or any project to the following address

Regional Environmental Coordinator
National Park Service
Midwest Regional Office
601 Riverfront Drive
Omaha, NE 68102

Due to limited staff and the number of requests we receive for early coordination, we ask that companies/agencies assume we will have no comments on projects if they have not heard from us within 30 days of our receipt of the request

Thank you

Regional Environmental Coordinator