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Gabriel S Meyer
Assistant General Attorney

April 4, 2008

VIA UPS SECOND DAY AIR

Ms Anne Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, D C 20024



RE: Proposed Abandonment of the Millard Industrial Lead, from Milepost 19.4 to Milepost 22.85, STB Docket No. AB-33 (Sub-No. 260-X)

Dear Secretary Quinlan

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. A Certificate of Service and Publication pursuant to 49 C F R §1152 60(d) and 49 C F R §1105 12 are attached to the Petition. Also enclosed are a draft Federal Register notice pursuant to 49 C F R §1152 60(c), and Union Pacific's payment form for \$5,400 for the filing fee.

Thank you for your time and attention to this matter. Please do not hesitate to contact me if you have any questions.

Sincerely,

Gabriel S Meyer

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APR 6 2008

Part of
Public Report

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APR 8 - 2008

**SURFACE
TRANSPORTATION BOARD**

Enclosures

FILED

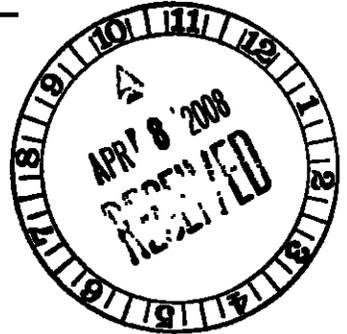
APR 8 - 2008

**SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 260X)

UNION PACIFIC RAILROAD COMPANY
- ABANDONMENT EXEMPTION --
IN DOUGLAS AND SARPY COUNTIES, NE
(MILLARD INDUSTRIAL LEAD)



Petition for Exemption

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**SURFACE
TRANSPORTATION BOARD**

UNION PACIFIC RAILROAD COMPANY
Gabriel S Meyer
Assistant General Attorney
1400 Douglas Street
STOP 1580
Omaha, NE 68179
(402) 544-1658
(402) 501-3393 (FAX)

Dated April 4, 2008
Filed April 8, 2008

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**SURFACE
TRANSPORTATION BOARD**

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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 260X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN DOUGLAS AND SARPY COUNTIES, NE
(MILLARD INDUSTRIAL LEAD)**

Petition for Exemption

I. Introduction

Union Pacific Railroad Company ("UP") files this petition for exemption from the requirements of 49 U S C §10903 in accordance with 49 U S C §10502. The exemption, if granted, will permit UP to abandon a portion of its Millard Industrial Lead, from Milepost 22 85, in Omaha, to Milepost 19 4, in La Vista, a total distance of approximately 3 45 miles in Douglas and Sarpy Counties, Nebraska (the "Line")

There are no customers that use the Line, nor any likelihood of new rail-served customers locating on the Line. UP does not expect that the proposed abandonment will have any negative impact upon any existing or future customers

II. Petitioner's Background and Representative

UP has rail operations in the states of Arizona, Arkansas, Iowa, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska,

Nevada, New Mexico, Oklahoma, Oregon, Tennessee, Texas, Utah, Washington, Wisconsin and Wyoming

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

Gabriel S Meyer
Assistant General Attorney
1400 Douglas Street , STOP 1580
Omaha, NE 68179
(402) 544-1658
(402) 501-3393 (FAX)

III. Line Description, Zip Code Information, and Map

The proposed action involves UP's abandonment of a portion of its Millard Industrial Lead, extending from Milepost 22 85, in Omaha, to Milepost 19 4, in La Vista, a total distance of approximately 3 45 miles in Douglas and Sarpy Counties, Nebraska No overhead traffic or passenger service operates over the Line The Line traverses U S Postal Service Zip Codes 68128 and 68137

The Line was originally constructed in 1866 by UP as part of its transcontinental main line The Line lost its main line status in 1908, when UP opened the Lane Cutoff (now UP's Omaha Subdivision), which operates to the north of the Line, providing a more direct route through the Omaha area

A map of the Line that UP proposes to abandon is indicated in solid black in the map attached as **Attachment No. 1** Other rail lines in the area, principal highways, and other roads are also shown on the map The Line includes four bridges that are 50 years old, or older Other than these bridges, the Line does not contain any structures that are 50 years old, or older No stations will be closed as a result of abandonment of the Line

IV. Shipper Information

The proposed abandonment of the Line will have no adverse effect on any UP customers. No traffic currently moves over the Line. Only two customers, Millard Lumber, Inc. and Safety-Kleen Systems, Inc., have moved traffic over the Line within the past two years. Shipping profiles for these customers are as follows¹

Millard Lumber, Inc
P O Box 45445
Omaha, NE 68145-0445

Millard Lumber last moved traffic over the Line during December, 2007. Since then, Millard Lumber has moved into a new facility in Omaha, located on a different UP line, where it continues to receive service. It is selling its facility located on the Line.

Safety-Kleen Systems Inc
13915 A Plaza
Omaha, NE 68144

Safety-Kleen had no facilities on the Line, and instead moved traffic via Millard Lumber's facilities, where liquid industrial waste shipments were transloaded from trucks to railcars. Safety-Kleen last moved traffic over the Line shortly before its agreement to utilize Millard Lumber's facility terminated on February 5, 2008. Safety-Kleen is temporarily using trucks to transport its freight, pending acquisition of a transloading location elsewhere in the Omaha area. UP has offered alternative locations.

V. Reasons for the Abandonment and Reasonable Alternatives

The abandonment is necessary because continued operation of the Line would impose a significant burden upon interstate commerce. There appear to be no reasonable

¹ Because it appears that neither customer will lose rail service as a result of the proposed abandonment, it is unnecessary to supply traffic information to the STB. Moreover, such information could be utilized by competitors of Millard Lumber and

alternatives to UP's abandonment of the Line, and there is no reasonable likelihood that there will be any future demands for service on the Line. The segment of the Line between Milepost 22.0 and Milepost 19.4—2.6 miles of the proposed 3.45 mile abandonment—has not carried any traffic since 1994 and is in an advanced state of deterioration. UP expects that the proposed abandonment will be beneficial to interstate commerce, as it will allow UP to redirect resources away from an unused rail line, with no likelihood of generating future business, and toward rail service on actively used rail lines.

The abandonment, if approved, will not limit transportation options in the area, which will continue to be served by the remaining portion of the Millard Industrial Lead, as well as spur tracks connecting to UP's Omaha Subdivision. The area is also served by BNSF Railway Company, and by numerous major city streets and highways, including Interstate 80, which interchanges with local roads that parallel or cross the Line. The greater Omaha region is also served by Iowa Interstate Railroad, Ltd., Kansas City Southern Railway Co., Canadian National Railway Co., and Amtrak, and by Interstates 480, 680, and 29. Barge service on the Missouri River is also available.

VI. The Exemption Standards Have Been Met

Rail line abandonments require authorization and approval of the Board pursuant to 49 U.S.C. §10903. However, 49 U.S.C. §10502 requires the Board to exempt transactions where 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 proposed abandonment clearly satisfies these exemption standards.

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 costs and expenses that would otherwise be associated with pursuing the proposed abandonment through a full application proceeding An exemption will expedite regulatory action and will reduce regulatory barriers to abandonment consistent with Sections 10101(2) and (7) An exemption will also foster sound economic conditions in the transportation industry consistent with Section 10101(5), by allowing UP to abandon a line that is unlikely to be used by any shipper

Additionally, the proposed abandonment is clearly a transaction of "limited scope " The Line is only 3.45 miles long and does not serve any shippers Because there are no shippers on the Line, regulation of this abandonment is not needed to protect them from an abuse of market power

VII. Land Area, Federal Grant Information, and Public Use

The right-of-way, which is approximately one-hundred (100) feet wide, runs through the cities of Omaha and La Vista, Nebraska The properties adjacent to the Line are used for a combination of agricultural, residential, and light industrial activities Topography is generally level

UP believes that the Line may be suitable for trail purposes However, the Line does not appear to be suitable for other public purposes including roads or highways, or other forms of mass transportation, as the Line lies in the cities of Omaha and La Vista, which are served by numerous local streets and highways, including Interstate 80 Nor does the Line appear suitable for energy transmission lines Portions of the Line may be more suitable for assemblage with adjacent property for industrial, commercial, or other

new development

Based upon information in UP's possession, the Line does not contain any federally granted right-of-way. The Line contains some reversionary property. Any documentation in UP's possession will be made available to those requesting it.

A map of the Line is attached as **Attachment No. 1.**

VIII. 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).

IX. Environmental and Historic Report

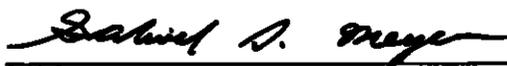
The required environmental and historic information is contained in the combined Environmental and Historic Report (the "EHR"), which was filed on March 7, 2008. A copy of the EHR transmittal letter is attached as **Attachment No. 2**. The original and ten (10) copies of the EHR were sent to Ms. Victoria Rutson, STB Section of Environmental Analysis, on March 5, 2008, for filing. Following UP's filing of its EHR, the Environmental Coordinator for the National Park Service Midwest Regional Office responded that they had no comments with respect to the proposed abandonment. The response is attached as **Attachment No. 3**.

WHEREFORE, Union Pacific Railroad Company respectfully requests that the Board issue a decision exempting the proposed abandonment 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 4th day of April, 2008

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



Gabriel S Meyer
Assistant General Attorney
1400 Douglas Street
STOP 1580
Omaha, NE 68179
(402) 544-1658
(402) 501-3393 (FAX)

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 260X) 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
300 The Atrium
1200 N Street
Lincoln, NE 68508

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

Millard Lumber, Inc
P O Box 45445
Omaha, NE 68145-0445

U S Department of Agriculture
Chief of the Forest Service
4th Floor NW, Auditors Building
14th Street & Independence Ave , S W
Washington, D C 20250

Safety-Kleen Systems Inc
13915 A Plaza
Omaha, NE 68144

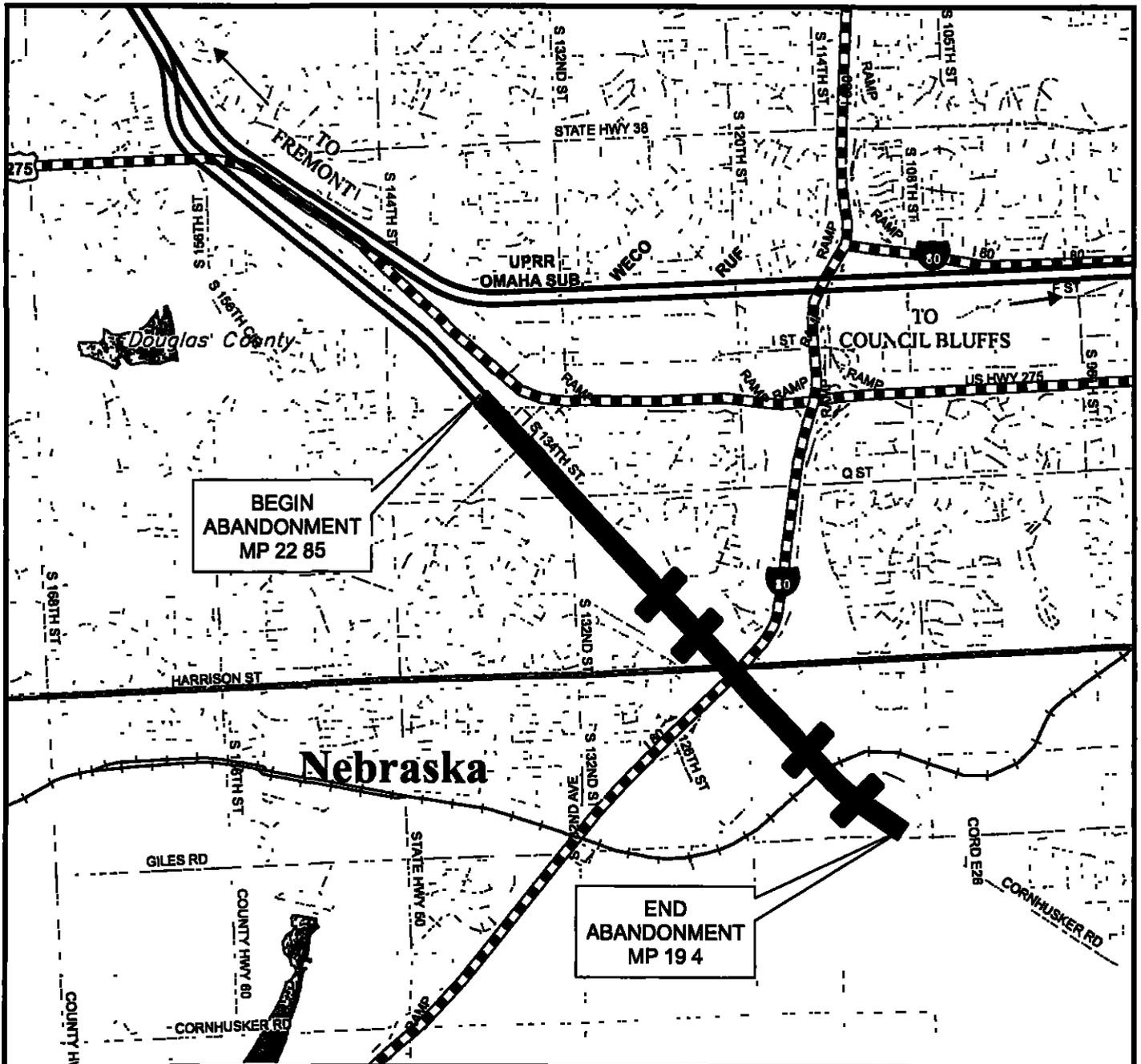
The undersigned further certifies that a notice of the abandonment was published one time in the County where the rail line is located as follows

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Douglas	<i>Douglas County Post Gazette</i>	April 2, 2008
Sarpy	<i>Papillion/La Vista Times</i>	April 2, 2008

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 CFR 1105 12

Dated this 4th day of April, 2008


Charles W Saylor

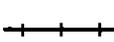


BEGIN
ABANDONMENT
MP 22 85

END
ABANDONMENT
MP 19 4

BRIDGE NO	BRIDGE TYPE	TOTAL LENGTH	DATE
19 72	1 SPAN THROUGH PLATE GIRDER	50'	1902
20 12	1 SPAN I-BEAM	20	1901
21 03	3 SPAN TIMBER PILE TRESTLE BALLAST DECK	42'	1946
21 34	3 SPAN TIMBER PILE TRESTLE BALLAST DECK	42'	1943

Legend

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

MILLARD INDUSTRIAL LEAD

MP 19 4 TO MP 22 85
TOTAL OF 3 45 MILES
IN DOUGLAS COUNTY, NEBRASKA = 2 07
IN SARPY COUNTY, NEBRASKA = 1 38 MILES

**UNION PACIFIC RAILROAD CO.
MILLARD INDUSTRIAL LEAD
NEBRASKA**

INCLUDING 50+ YEAR OLD STRUCTURES



Q \abandonments\ab-33_260.mxl



Gabriel S Meyer
Assistant General Attorney

March 5, 2008

Via UPS 2nd Day Air

Surface Transportation Board
395 E Street, SW
Washington, DC 20024

ENTERED
Office of Proceedings

MAR 7 2008

Part of
Public Record

Attention: Victoria Rutson

Re: Proposed Abandonment of the Millard Industrial Lead, from Milepost 19.4 to Milepost 22.85, STB Docket No. AB-33 (Sub-No. 260-X)

Dear Ms. Rutson:

Enclosed for filing in the above-referenced matter are the original and ten (10) copies of Union Pacific Railroad Company's Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. Sections 1105.7 and 1105.8, with a Certificate of Service and a transmittal letter pursuant to 49 C.F.R. Section 1105.11.

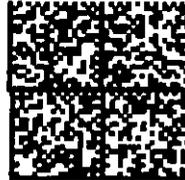
Union Pacific anticipates filing a Petition for Exemption in this matter on or after March 27, 2008. Please do not hesitate to contact me if you have any questions.

Sincerely,

Gabriel S Meyer

Enclosures

Environmental Coordinator
National Park Service
Midwest Regional Office
601 Riverfront Drive
Omaha, NE 68102 **LAW DEPT.**



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03/27/2008

Mailed From 68102
US POSTAGE

MAR 28 2008

REC'D UPRR

Gabe M.

Union Pacific Railroad
1400 Douglas Street, Stop 1580
Omaha, Nebraska 68179



Re Proposed Abandonment, Millard Industrial Lead AB-33(260-X), Douglas County, Nebraska

We have received your letter of March 5, 2008 concerning the above referenced project

We have no comment on your proposed actions

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

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

STB No. AB-33 (Sub-No. 260X)
Notice of Petition for Exemption to Abandon

On April 8, 2008, Union Pacific Railroad Company filed with the Surface Transportation Board, Washington, D C 20423, a petition for exemption for the abandonment of a portion of the Millard Industrial Lead, from Milepost 22 85, in Omaha, Nebraska, to Milepost 19 4, in La Vista, Nebraska, a total distance of approximately 3 45 miles in Douglas and Sarpy Counties, Nebraska (the "Line") The Line traverses U S Postal Zip Codes 68128 and 68137 There are no shippers on the Line that will be adversely affected by the proposed abandonment There are no stations or structures 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

All interested persons should be aware that following abandonment of rail service and salvage of the Line, the Line may be suitable for other public use, including internm trail use

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the Federal Register

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

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