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August 26, 2008

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Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S W
Washington, D. C 20423

RE: Docket No. AB-33 (Sub-No. 270X), *Union Pacific Railroad Company-
Abandonment Exemption-in Osborne and Smith Counties, KS (Downs to
West of Portis)*
Docket No. AB-486 (Sub-No. 5X), *Kyle Railroad Company-
Discontinuance Exemption-in Osborne and Smith Counties, KS (Downs to
West of Portis)*

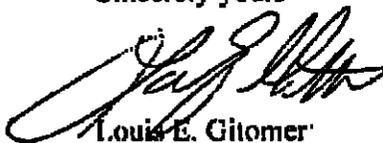
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223377

Dear Acting Secretary Quinlan

Enclosed are Affidavits of Publication in the Smith County Pioneer and
the Downs News and Times

Thank you for your assistance. If you have any questions please call or email me.

Sincerely yours



Louis E. Gitomer
Attorney for. Kyle Railroad Company

Enclosures

STATE OF KANSAS
SMITH
COUNTY SS.

Affidavit of Publication

Jack Krier, being first duly sworn, deposes and says: That he is publisher of the *Smith County Pioneer*, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Smith County, Kansas, with a general paid circulation on a weekly basis in Smith County, Kansas, and that said newspaper is not a trade, religious or fraternal publication

Said newspaper is a weekly published one day a week and has been published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice, and has been admitted at the post office of Smith Center, Kansas, in said county as second class matter

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for one consecutive week the first publication thereof being made as aforesaid on the 3rd day of July, 2008, with subsequent publications being made on the following dates

_____, 20____, _____, 20____
_____, 20____, _____, 20____
_____, 20____, _____, 20____

Signed: Jack Krier

Subscribed and sworn to before me this 13th day of Aug, 2008.

CYNTHIA M REED
Notary Public - State of Kansas
My Appt Expires
My commission expires

Cynthia M Reed
Notary Public's Signature
4-22-09

Publication Fee \$ 70.13
Affidavit, Notary's Fee \$.50
Additional copies @ \$ _____
Total Publication Fee \$ 70.63

(Published Thursday, July 3, 2008, in the *Downs News & Times*).
(Published Thursday, July 3, 2008, in the *Smith County Pioneer*).
The Union-Pacific Railroad Company ("UP") and Kyle Railroad Company ("Kyle") give notice that, on or about July 8, 2008, they intend to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments permitting UP to abandon and Kyle to discontinue service over a 12.4-mile rail line known as a portion of the Lenora Branch Line between west of Downs, KS, milepost 540.3, and west of Portis, KS, at the end of the line, milepost 552.7, in Osborne and Smith Counties, KS, which traverses through United States Postal Service ZIP Codes 67437, 67474; and 67638. These proceedings will be dock-

eted as No AB-33 (Sub-No 270X) and No AB-486 (Sub-No 5X).
The Board's Section of Environmental Analysis will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-245-0295.
Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmen-

tal conditions also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 395 E Street, SW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance may be directed to the Board's Office of Congressional and Public Services at

202-245-0233. Copies of any comments or requests for conditions should be served on the applicant's representatives: for UP, Mack-H. Shumate, Jr., Senior General Attorney, 101 North Wacker Drive, Room 1920, Chicago, IL 60606, phone (312) 777-2055, fax (312) 777-2063, and email mackshumate@up.com, and for Kyle, Louis E. Gitomer, Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, 202-466-6532, email at Lou_Gitomer@verizon.net

STATE OF KANSAS

Osborne

COUNTY

SS.

Affidavit of Publication

Jack Krier, being first duly sworn, deposes and says. That he is publisher of the *Downs News and Times*, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Osborne County, Kansas, with a general paid circulation on a weekly basis in Osborne County, Kansas, and that said newspaper is not a trade, religious or fraternal publication

Said newspaper is a weekly published one day a week and has been published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Downs, Kansas, in said county as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive week

the first publication thereof being made as aforesaid on the 3 day of July, 2008, with subsequent publications being made on the following dates:

_____, 20____, _____, 20____
_____, 20____, _____, 20____
_____, 20____, _____, 20____

Signed Jack Krier

Subscribed and sworn to before me this 10th day of July, 2008.

CYNTHIA M. REED
Notary Public - State of Kansas
My Appt Expires

Cynthia M Reed
Notary Public's Signature

My commission expires: 4-22-09

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Affidavit, Notary's Fee \$ 50
Additional copies @ \$ _____
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Analysis, Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-245-0295. Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions also can be filed with the Board. Any pleading that raises matters other than environmental issues (such as offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 395 E Street, SW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance may be directed to the Board's Office of Congressional and Public Services at 202-245-0233. Copies of any comments or requests for conditions should be served on the applicants' representatives. For UP, Mack H. Shumate, Jr., Senior General Attorney, 101 North Wacker Drive, Room 1920, Chicago, IL 60606, phone (312) 777-2055, fax (312) 777-2065, and email mackshumate@up.com, and for Kyle, Louis E. Gitomer, Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, 202-466-6532, email at Lou_Gitomer@verizon.net 27-1t-dsc