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ENTERED
Office of Proceedings

MAR 18 2004

Part of
Public Record

February 24, 2004

FD 30475⁷ and FD 30490⁻² 210332 210334

The Honorable Vernon A. Williams, Secretary
Surface Transportation Board
1925 K. Street, N.W.
Washington, D.C. 20423-0001

RE: Abandonment of Mid-States Port
Authority's Rail Line Between Kansas-
Nebraska State Line and Thompson,
Nebraska

Dear Mr. Williams:

I serve as General Counsel for the Mid-States Port Authority ("MSPA"), a public body corporate and politic formed under Kansas statutes by agreement of 14 Kansas counties on May 29, 1980. The counties which formed MSPA are located in the northwest and north central areas of Kansas which were adversely affected by the loss of rail service, by reason of the bankruptcy and liquidation of the Chicago, Rock Island and Pacific Railroad Company ("Rock Island"). The Board of County Commissioners of each of the affected counties determined the need for a joint port authority to own and operate a rail system for the benefit of these counties and their regions, in order to restore rail service and to ensure the continued availability of rail service in these predominantly agricultural areas.

By Order No. 676A of the U.S. District Court for the Northern District of Illinois, Eastern Division (copy enclosed), the Rock Island's Trustee in Bankruptcy was authorized to sell to the MSPA a portion of Rock Island's right-of-way and track extending from Limon, Colorado in the west to Belleville, Kansas, then to Clay Center, Kansas and then to Hallam, Nebraska. The property so acquired by MSPA included 476 route

The Honorable Vernon A. Williams, Secretary
February 24, 2004
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miles of track and 540 track miles of main track, yards and sightings. The right-of-way acquired by MSPA in the states of Kansas and Colorado have been leased to Kyle Railroad Company ("Kyle") which received a modified certificate of public convenience and necessity. Enclosed are copies of pages 23710 and 23711 of the Federal Register (Vol. 49, No. 111) for Thursday, June 7, 1984, containing notice of the modified operating certificate granted to Kyle.

Approximately 38 miles of the right-of-way acquired by MSPA in Nebraska, extending from Fairbury to Hallam, Nebraska, have been leased to Union Pacific Railroad Company ("Union Pacific"). Union Pacific also received a modified operating certificate, and I am enclosing a copy of the Federal Register (Vol. 49, No. 106) for Thursday, May 31, 1984, giving notice of the granting of Union Pacific's modified operating certificate.

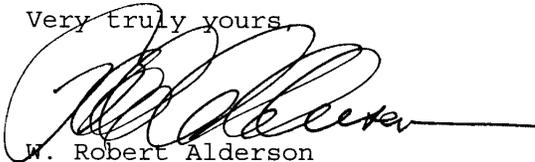
The only segment of line acquired by MSPA pursuant to the enclosed Order 676A which has not been leased to a rail carrier or otherwise been used for a rail carrier operation subsequent to its acquisition, lies between the Kansas-Nebraska state line and Fairbury, Nebraska. On August 21, 1995, I wrote to Lillian Bateman, an attorney with the Interstate Commerce Commission, regarding MSPA's desire to abandon that portion of this line segment between Fairbury, Nebraska and Thompson, Nebraska, a line of approximately 7.4 miles in length. Previously, in a telephone conversation, Ms. Bateman and I had discussed the fact that the modified operating certificates held by Kyle and Union Pacific were issued pursuant to a regulatory scheme that recognizes that the line being operated by these rail carriers has been approved for abandonment, either by the Interstate Commerce Commission or a Bankruptcy Court. Although the enclosed Order 676A does not specifically make such declaration, you will note that the last paragraph on the first page of the Order makes reference to "Rock Island's system-wide termination of operations and total line abandonment."

On that basis, I submitted to Ms. Bateman that, even though MSPA purchased the line between Fairbury and the Kansas-Nebraska state line with a view toward its possible operation, the Order recognizes that the line being acquired by MSPA had been abandoned by Rock Island and, implicitly, authorized its abandonment. Therefore, nothing further was required by MSPA in order to remove the rails, ties, ballast and other track materials from the segment between Fairbury and Thompson. Ms. Bateman concurred with my conclusion, and MSPA proceeded to dismantle the line and sell the right-of-way to adjoining landowners.

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The MSPA Board of Directors has recently adopted a resolution (a copy of which is enclosed) authorizing the abandonment of additional line, including the remaining portion of the line between the Kansas-Nebraska state line and Thompson, Nebraska. The ultimate purpose of this letter, therefore, is to advise of my belief that, for the reasons advanced above with respect to the line previously abandoned from Fairbury to Thompson, Nebraska, the line from Thompson, Nebraska to the Kansas-Nebraska state line (approximately 6.5 miles of track) may also be abandoned without any further notice or filing of any formal document with the Surface Transportation Board. For your information, no rail carrier has operated on this line since the line was acquired by MSPA in April of 1984. Hence, this line previously has been authorized for abandonment, as noted above, and it is my belief that MSPA may proceed to abandon this line without any further notice or the doing of any further act.

Very truly yours



W. Robert Alderson
ALDERSON, ALDERSON, WEILER,
CONKLIN, BURGHART & CROW, L.L.C.

WRA:jdk\bjb

Enclosures

cc: MSPA Executive Committee

opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00, in accordance with 49 CFR 1182.2(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided: May 30, 1984.

By the Commission, Review Board Members, Carleton, Joyce and Parker.

James H. Bayne,
Secretary.

MC-F-15753, filed May 4, 1984, J & M TANK LINES, INC. (J & M) (RTE 1, BOX 5, AMERICUS, GA 31709)—
PURCHASE—GLADYS LEE ABBOTT DOING BUSINESS AS HOBO EXPRESS (HOBO) (P.O. BOX 246, BLOOMINGDALE, GA 31302).
Representative: Kim G. Meyer, P.O. Box 56282, Atlanta, GA 30343.

J & M seeks to purchase all of the interstate operating rights of Hobo. Harold Sumerford, Sr., who controls J & M, seeks authority to acquire control of said rights through the transaction. The interstate operating rights being purchased are contained in Certificate No. MC-163824 issued June 15, 1983, authorizing the transportation of general commodities (with the usual exceptions), between points in AL, FL, GA, KY, LA, MS, NC, SC, TN, and VA.

J & M holds motor common and contract carrier authority in docket No. MC-148903 and subs thereunder.

Note.—Hobo is presently operating as an agent for a regulated carrier and therefore is not operating under the authority on this date.

[FR Doc. 84-15331 Filed 6-6-84; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 30458]

Rail Carriers; Chicago and North Western Transportation Co. Abandonment Exemption in Polk County, IA

AGENCY: Interstate Commerce Commission.
ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of 49 U.S.C. 10903 *et seq.* the abandonment by the Chicago and North Western Transportation Company of its 3.8-mile line of railroad between Highland Park and Des Moines, IA, subject to standard labor protective conditions.

DATES: This exemption will be effective on July 9, 1984. Petitions to stay must be filed by June 18, 1984, and petitions for reconsideration must be filed by June 27, 1984.

ADDRESSES: Send pleadings referring to Finance Docket No. 30458 to:
(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Anne E. Keating, One North Western Center, Chicago, IL 60606

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423 or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: May 30, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison.

James H. Bayne,
Secretary.

[FR Doc. 84-15330 Filed 6-6-84; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 30490]

Rail Carriers; Kyle Railroad Co.; Notice of Modified Certificate of Public Convenience and Necessity

May 29, 1984.

On May 24, 1984, a notice was filed by the Kyle Railroad Company for a modified certificate of public convenience and necessity under 49 CFR Part 1150 Subpart C. The line to be operated is the former line of the Chicago, Rock Island and Pacific Railroad Company between (1) Mahaska, KS (milepost 170.0) and Belleville, KS (milepost 187.0); (2) Clay Center, KS (milepost 178.37) and Belleville, KS (milepost 225.34); and (3) Belleville, KS (milepost 187.0) and Limon, CO (milepost 530.70).

The line is embraced within an order of abandonment issued by the United States District Court for the Northern District of Illinois, Eastern Division, in a reorganization proceeding brought under 11 U.S.C. 205. Thereafter, the line was acquired by MID-States Port Authority (MSPA), a 14-county joint port authority created as a public body corporate and politic under the laws of Kansas. Kyle will operate the line pursuant to a service agreement with MSPA.

This notice shall be served upon the Association of American Railroads (Car Service Division), as agent of all railroads subscribing to the car-service and car-hire agreement, and upon the American Short Line Railroad Association.

By the Commission, Heber P. Hardy,
Director, Office of Proceedings..

James H. Bayne,
Secretary.

[FR Doc. 84-15329 Filed 6-6-84; 8:45 am]
BILLING CODE 7035-01-M

[OP2-298-MCF-15748]

Motor Carriers; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of Practice. See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal and ICC Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00, in accordance with 49 CFR 1182.2(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that

the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: June 1, 1984.

By the Commission, Review Board
Members Carleton, Fortier, and Dowell.
James H. Bayne,
Secretary.

MC-F-15748, filed April 27, 1984.
ROBERT J. GREEVES (71 NEW HOOK ACCESS RD. BAYONNE, NJ 07702)—
CONTINUANCE IN CONTROL—
DOMENICO BUS SERVICE, INC., AND
STATEN ISLAND COMMUTER SERVICE, INC. (address same as applicant). Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ. Robert J. Greeves (Greeves), the President of Domenico Bus Service, Inc. (Domenico), and the sole stockholder of Staten Island Commuter Service, Inc. (Staten Island), seeks authority to continue in control of Domenico and Staten Island upon institution of operations by the latter, in interstate and foreign commerce as a motor common carrier. Greeves controls through management, Domenico Bus Service, Inc., a motor common carrier under a certificate issued in MC-118848 and sub-numbers which authorizes generally the transportation of passengers over regular and irregular routes, in special operations, between certain points in New York and New Jersey.

Notes.—Staten Island filed its initial common carrier application in No. MC-169823, which was published in the Federal Register on August 29, 1983, for authority to transport passengers, over regular routes, between Staten Island and Manhattan,

extending generally from Staten Island over the Goethels Bridge to Elizabeth, NJ, then north over the New Jersey Turnpike to Union City, NJ, and then through the Lincoln Tunnel to Manhattan; and (2) As a condition to a grant of that authority, Greeves was required to file this continuance in control application, submit an affidavit indicating why such approval is unnecessary, or file a petition seeking exemption under 49 U.S.C. 11343(e).

[FR Doc. 84-15328 Filed 6-6-84; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 11-84]

Privacy Act of 1974; Modified System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Bureau of Prisons (BOP) proposes to modify a system of records entitled "Inmate Central Records System, JUSTICE/BOP-005." The system notice, which was most recently published in the Federal Register on February 4, 1983 (48 FR 5332), is now being modified to further clarify the "Routine Uses * * *" section through editorial changes and to add four new routine uses as follows:

(g) To provide victims and/or witnesses, pursuant to victim/witness federal legislation and policy, information relating to an inmate's furlough, parole (including appearance before the Parole Commission), transfer to a community treatment facility, mandatory release, expiration of sentence, escape (including apprehension), death, and other such release-related information.

(h) To provide state agencies or authorities, pursuant to Pub. L. 98-135, identifying data of BOP inmates for the purpose of matching the data against state records to review the eligibility of these inmates for unemployment compensation; the requesting state is to erase the BOP data after this determination has been made. (The Bureau of Prisons has made the determinations required of it by the Office of Management and Budget (OMB) guidelines on the conduct of matching programs.)

(k) To provide information from an inmate record to an employee, former employee, or his or her designated representative when such information is included in the employee's or former employee's adverse or disciplinary personnel action file with respect to proposed adverse or disciplinary personnel action against that employee or former employee; or former

(Finance Docket No. 38475)

**Union Pacific Railroad Co., Operation-
IN GAGE, Jefferson, Lancaster, and
Seline Counties, NE; Modified Rail
Certificate**

May 21, 1984.

On April 30, 1984, a notice was filed by the Union Pacific Railroad Company (UP) for a modified certificate of public convenience and necessity under 49 CFR Part 1150, Subpart C. The line to be operated is a former line of the Chicago, Rock Island and Pacific Railroad Company between Fairbury, NE and Hallam, NE, a distance of approximately 37.5 miles. Mid-States Port authority, an instrumentality of the State of Kansas, has acquired the line formerly abandoned in *Chicago, R. I. & P. R. Co. Abandonment*, 363 I.C.C. 150 (1980).

UP will operate the line pursuant to a service agreement with Mid-States Port Authority.

This notice shall be served upon the Association of American Railroads (Car Service Division) as agent of all railroads subscribing to the car-service and car-hire agreement, and upon the American Short Line Railroad Association.

By the Commission, Heber P. Hardy,
Director, Office of Proceedings.

James H. Bayne,
Secretary.

[FR Doc. 84-14471 Filed 5-30-84; 8:45 am]
BILLING CODE 7030-01-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 10-84]

**Privacy Act of 1974; Modified System of
Records**

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Civil Rights Division, Department of Justice hereby publishes notice that it proposes to modify a system of records most recently published on September 2, 1983, in *Federal Register* Volume 48, page 40012, and identified as the "Civil Rights Division Index File and Associated Records, JUSTICE/CRT-001."

The modification of this system will clarify one of the routine uses by specifying that the Civil Rights Division may disseminate information during an investigation or the litigation of a case or matter to an individual or organization with expertise to analyze the information. The nature of that litigation or investigation may require that individual or organization to present that analysis by serving as an expert witness.

Any comments may be addressed to Vincent A. Lobisco, Assistant Director, Administrative Services Staff, Justice Management Division, Department of Justice, Room 6314, 10th and Constitution Avenue, NW., Washington, D.C. 20530. Comments must be submitted by July 2, 1984.

Since the routine use is compatible with the purpose for which the system is maintained, no report to the Office of Management and Budget and the Congress is required.

Dated: May 17, 1984.

Kevin D. Rooney,
Assistant Attorney General for
Administration.

JUSTICE/CRT-001

SYSTEM NAME

Central Civil Rights Division Index File and Associated Records.

SYSTEM LOCATION:

United States Department of Justice, Civil Rights Division (CRT), 10th and Constitution Avenue, NW., Washington, D.C. 20530; HOLC Building, 320 First Street, NW., Washington, D.C. 20534; and Federal Records Center, Suitland Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

These persons may include: Subjects of investigation, victims, potential witnesses, correspondents on subjects directed or referred to CRT or other persons or organizations referred to in potential or actual cases and matters of concern to CRT, and CRT employees who handle complaints, cases or matters of concern to CRT.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of alphabetical indices bearing the names of those individuals identified above and the associated record to which the indices relate containing the general and particular records of all CRT correspondence, cases, matters, and memoranda, including but not limited to investigative reports, correspondence to and from the Division, memoranda, legal papers, evidence, and exhibits. The names of some individuals, e.g., witnesses, may not yet be on the central indices. Records relating to such individuals may be obtained by direct access to the file jackets. Such file jackets are located within the respective sections of CRT according to the legal subject matter assigned to each CRT section. The delegated legal duties and responsibilities of each section are described as follows:

The records related to the duties of the Criminal Section of CRT include

cases or matters arising under 18 U.S.C. 241 and 242 which prohibit persons acting under color of law or in conspiracy with others to interfere with or deny the exercise of Federal constitutional rights, cases involving criminal violations of the Voting Rights Act of 1965 (42 U.S.C. 1971 through 1974), cases or matters involving criminal interference with housing rights as is prohibited by 42 U.S.C. 3631 and criminal interference with other federally protected rights as is prohibited by 18 U.S.C. 245. Other Criminal Section records include cases or matters involving 18 U.S.C. 1581 through 1588 which prohibit involuntary servitude, some case involving maritime law, and such other matters as may be required to fulfill the duties mandated by Congress.

The records related to the duties of the Federal Enforcement Section of CRT include cases or matters arising under Title VI of the Civil Rights Act of 1964 and the nondiscrimination provisions of the Revenue Sharing Act, the Crime Control Act of 1973, the Comprehensive Employment Training Act of 1973, the Housing and Community Development Act of 1974, and the coordination of Title VI and Title IX implementation by the Federal grant agencies. In addition, records related to Federal Enforcement Section cases include matters arising under Title VII of the Civil Rights Act of 1964 and Executive Order No. 11246 involving equal opportunity laws against public employers. Federal contractors and contractors involved in federally financed projects and such other matters as may be required to fulfill the duties mandated by Congress.

The records related to the duties of the General Litigation Section of CRT include cases or matters arising under Federal laws requiring nondiscrimination in public education. Other General Litigation Section records include cases or matters involving the fair housing laws, Title VIII of the Fair Housing Act of 1968 (42 U.S.C. 3601 through 3618), the Equal Credit Opportunity Act (15 U.S.C. 1691 through 1691(f)) as well as its implementing regulations, Regulation B (12 CFR Part 202) which prohibits discrimination in credit transactions, and such other matters as may be required to fulfill the duties mandated by Congress.

The records related to the duties of the Special Litigation Section of CRT include cases or matters arising under Title III of the Civil Rights Act of 1964 which prohibits discrimination in public facilities, and cases or matters arising under 18 U.S.C. 245(b)(2)(f) which prohibits the interference, for racial

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In the Matter of)	
)	
CHICAGO, ROCK ISLAND AND)	In Proceedings for the
PACIFIC RAILROAD COMPANY,)	Reorganization of a
)	Railroad.
)	
Debtor.)	No. 75 B 2697

ORDER NO. 676A ON TRUSTEE'S PETITION FOR AUTHORITY
TO SELL RAILROAD LINES (MSPA AMENDED)

This cause coming on to be heard upon the Petition of William M. Gibbons, the Trustee, for authority to sell and convey, free and clear of liens and other claims, all of his right, title and interest in the lines of railroad between Limon, Colorado and Hallam, Nebraska and Clay Center, Kansas, described in the Amended Limon-Hallam Contract and the Amended Clay County Contract attached as Exhibits A and B to the Petition ("Contracts") for the total sum of \$13,000,000 to the Mid-States Port Authority (MSPA) the detail of which is fully set forth and described in said Petition filed herein; and

It further appearing to the Court and the Court having found that the total purchase price of \$13,000,000 is the highest and best obtainable for the subject lines of railroad and is in the best interest of the Debtor's estate and should be approved by the Court; and

It further appearing to the Court that all persons entitled thereto have received reasonable notice of the hearing on such petition; and

It further appearing to the Court and the Court having found that the labor protective conditions or arrangements pursuant to Section 17 of the Milwaukee Railroad Restructuring Act are not required of Rock Island's estate or of the acquiring entity by reason of Rock Island's systemwide termination of operations and total line abandonment and also by reason of the public interest which presents a need for preservation of continued rail operations by sales wherever possible of Rock Island's rail assets without the imposition on acquiring entities of responsibility for protective obligations which would

prejudice, impair and render uneconomical such continued rail operations and would also prejudice, impair and delay the reorganization objectives of this estate which encompass liquidation of Rock Island's rail assets; and

The Court having heard statements of counsel and being fully advised in the premises;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. That the Contracts attached as Exhibits A and B to the Petition be and the same hereby are approved.

2. That the execution, delivery and performance of the Contracts by the Trustee and MSPA is hereby authorized and directed.

3. That William M. Gibbons, the Trustee herein, be and he is hereby authorized to sell and convey by quitclaim deeds, subject to the provisions of the Contracts, to MSPA, free of liens and other claims, including tax liens or claims, all of his right, title and interest in the aforesaid lines of railroad and to execute and deliver quitclaim deeds for the total sum of \$13,000,000 and any and all other documents necessary to consummate the said sales free of liens and other claims, including tax liens or claims.

4. That the rights, claims, liens and interest of the Trustee, the Debtor, The First National Bank of Chicago, Corporate Trustee under that certain First Mortgage dated as of January 1, 1950 and all Supplemental Indentures thereto and of all other claimants in, upon or against the aforesaid property which is sold pursuant to this Order shall be transferred from said property to the net proceeds of such sale; and such proceeds of sale, until further order of the Court shall be segregated and deposited by the Trustee in a separate account bearing the designation "Real Estate Sales" at The First National Bank of Chicago and shall be invested in short-term securities of United States government.

5. That no claim or arrangement of any kind or nature for employee labor protection payable out of the assets of the Debtor's estate or imposed upon MSPA is allowed or required by the Court.

DATED: *April 18, 1984*

ENTER:

15/ Frank J. McCall
District Judge

In

ORIGINAL

WHEREAS, from the time of the Authority's acquisition of rail line from the Trustee in Bankruptcy for the Chicago, Rock Island and Pacific Railroad Company in 1984, there has been no rail traffic on the segment of that rail line between the Kansas-Nebraska line and Thompson, Nebraska; and

WHEREAS, previously the Authority has abandoned the segment of its rail line from Thompson to Fairbury, Nebraska; and

WHEREAS, the segment of the Authority's rail line from Belleville, Kansas to the Kansas-Nebraska line has been embargoed by Kyle Railroad Company and is being used by Kyle for the storage of rail cars; and

WHEREAS, for many years, the Authority and Kyle have anticipated the possibility that the segment of rail line from the Kansas-Nebraska line to Thompson might provide access to the Burlington Northern-Santa Fe Railroad's line which runs through Thompson, Nebraska, but BNSF is in the process of abandoning this line; and

WHEREAS, therefore, retention of the segment of rail line from the Kansas-Nebraska line to Thompson, Nebraska, no longer serves any useful purpose for the Authority or Kyle; Now, therefore,

BE IT RESOLVED, that the Authority's General Counsel is hereby authorized and directed to commence the proceedings necessary to abandon the Authority's rail line between Railroad Milepost 182 at Munden, Kansas and Thompson, Nebraska.

BE IT FURTHER RESOLVED, that once the segment of rail line between Railroad Milepost 182 at Munden, Kansas and Thompson, Nebraska has been abandoned, the Executive Committee shall be and is hereby authorized to effect the salvage of this line in compliance with applicable statutory requirements. The net proceeds from the salvage operation shall be deposited in the Authority's General Fund.