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SERVICE DATE - JULY 19, 2004

DO

FR-4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-33 (Sub-No. 214X)]

Union Pacific Railroad Company—Abandonment Exemption—in Lane, Ness and Rush
Counties, KS

[STB Docket No. AB-853 (Sub-No. 2X)]

Kansas & Oklahoma Railroad Inc.—Discontinuance Exemption—in Lane, Ness and Rush
Counties, KS

On June 29, 2004, Union Pacific Railroad Company (UP) and Kansas & Oklahoma Railroad, Inc. (K&O) jointly filed with the Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903. UP seeks to abandon and K&O seeks to discontinue service over a line of railroad extending from milepost 664.5, near Healy, to milepost 606.0, near McCracken, a distance of 58.5 miles in Lane, Ness and Rush Counties, KS. The line traverses U.S. Postal Service Zip Codes 67556, 67521, 67572, 67515, 67584, 67839, and 67850 and includes stations located at Shields, Pendennis, Utica, Arnold, Ransom, Osgood and Brownell, KS.

The line does not contain federally granted rights-of-way. Any documentation in the possession of UP or K&O will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in Oregon Short Line R.Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979).

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by October 15, 2004.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,100 filing fee. See 49 CFR 1002.2(f)(25).

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 interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than August 9, 2004. Each trail use request must be accompanied by a \$200 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket Nos. AB-33 (Sub-No. 214X) and AB-853 (Sub-No. 2X) and must be sent to: (1) Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423-0001, (2) Karl Morell, Ball Janik LLP, 1455 F Street, NW, Suite 225, Washington, DC 20005, and (3) Mack H. Shumate, 101 North Wacker Drive, Room 1920, Chicago, IL 60606. Replies to the petition are due on or before August 9, 2004.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 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

(SEA) at (202) 565-1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). 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.

Board decisions and notices are available on our website at
WWW.STB.DOT.GOV.

Decided: July 9, 2004.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams

Secretary