

LAW OFFICES OF
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August 26, 2008

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

RE: Docket No. AB-33 (Sub-No. 269X), *Union Pacific Railroad Company—
Abandonment Exemption—in Osborne and Rooks Counties, KS (Osborne
to Stockton)*
Docket No. AB-486 (Sub-No. 4X), *Kyle Railroad Company—
Discontinuance Exemption in Osborne and Rooks Counties, KS (Osborne
to Stockton)*

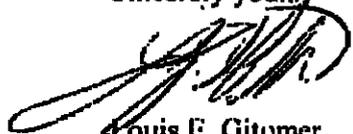
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223375

Dear Acting Secretary Quinlan,

Enclosed are Affidavits of Publication in the Plainville Times 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

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 16th

day of July, 2008

CYNTHIA M REED
Notary Public - State of Kansas
My Appl Expires

Cynthia M Reed
Notary Public's Signature

My commission expires 4-22-09

Publication Fee \$ 70.13

Affidavit, Notary's Fee \$ 50

Additional copies @ \$ _____

Total Publication Fee \$ 70.13

(Published in the *Downs News & Times* on Thursday, July 3, 2008); Union Pacific Railroad Company ("UP") and Kyle Railroad Company ("Kyle") gives notice that on or about July 5, 2008, they intend to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152. Subpart F, Exempt Abandonment, permitting discontinuance of service over a 30.13-mile rail line known as a portion of the Solomon Branch Line between west of Osborne, KS, milepost 550.5, and west of Stockton, KS, at the end of the line, milepost 540.63, in Osborne and Rooks Counties, KS, which crosses through United States Postal Service ZIP Codes 67473, 67474, 67623, 67675, and 67669. These proceedings will be docketed as No. AB-33 (Sub No. 269X) and No. AB-386 (Sub No. 4X). The Board's Section of Environmental Analysis will generally prepare an Environmental Assessment (EA) which will initially be available 25 days after the filing of the notice of exemption. Comments or 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 202-245-0225. 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 applicant's 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) 777-2065, 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 276-11-dpw

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ROOKS COUNTY, SS:

Jack Kries, of lawful age, being first duly sworn, deposes and says that she is the publisher of PLAINVILLE TIMES, a weekly newspaper published in the City of Plainville, in Rooks County, Kansas, and having a general circulation therein, that a notice of which a true copy as printed is hereto attached, has been published in each and every paper of each and every issue of said newspaper for a period of _____ consecutive weeks. The publication dates being

_____ 3 July 20 08

_____ 20
_____ 20
_____ 20

Affiant further says that said newspaper has been continuously and uninterruptedly published in said county during the period of fifty two consecutive weeks prior to the date of the first publication of said notice as aforesaid, and that prior to and during the duration of this notice said newspaper has been admitted to the United States mails in said County as Second Class Matter; and that all statements herein made are within the personal knowledge of the affiant.

Jack Kries
Publisher

Subscribed and sworn to before me this 28th day of July A.D. 2008

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

Cynthia M Reed
(Notary Public)

My commission expires on the 22nd day of April 2009

PRINTER'S FEES: 70.00

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 environmental 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, 306 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' representative for UP, Mack M. Shumals, Jr., Senior General Attorney, 101 North Wacker Drive, Room 1920, Chicago, IL 60606, phone (312) 777-2056, fax (312) 777-2065, and email mackshumate@up.com, and for Kyle, Louis E. Gilmer, Law Offices of Louis E. Gilmer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, 202-466-6537, email _____ at Lou_Gilmer@verizon.net

(Published in the Plainville Times on Thursday, July 3, 2008.) It is the Union Pacific Railroad Company ("UP") and Kyle Railroad Company ("Kyle") gives notice that on or about July 5, 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 30.13-mile rail line known as a portion of the Solomon Branch Line between west of Osborne, KS; milepost 550.5, and west of Stockton, KS; at the end of the line, milepost 580.63, in Osborne and Rooks Counties, KS, which traverses through United States Postal Service ZIP Codes 67473, 67474, 67623, 67675, and 67860. These proceedings will be docketed as No. AB-33 (Sub-No. 269X) and No. AB-466 (Sub-No. 4X). 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