

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1350X

LINCOLN LUMBER COMPANY—ABANDONMENT EXEMPTION—IN LANCASTER COUNTY, NEB.

Decided: June 5, 2026

On April 17, 2026, Lincoln Lumber Company (LLC) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon a rail line located between North 23rd Street and vacated North 24th Street in Lancaster County, Neb. (the Line). The proposed abandonment raises several issues which are discussed in more detail below. Accordingly, this proceeding, including environmental review, will be held in abeyance, the effective date of the exemption will be postponed until further order of the Board, and LLC will be directed to provide additional information.

*Stranded segment issue.* By decision and notice of interim trail use or abandonment (NITU) served on September 24, 1997, Union Pacific Railroad Company (UP) was granted an exemption to abandon a 1.88-mile segment of its Lincoln Branch, which included the Line, extending between milepost 494.76, near 10th Street, and milepost 492.88, near 35th Street,<sup>1</sup> in Lincoln, Neb., subject to conditions. Union Pac. R.R.—Aban. Exemption—in Lancaster Cnty., Neb., AB 33 (Sub-No. 112X) (STB served Sept. 24, 1997). Before the exemption became effective, LLC purchased, through the Board’s offer of financial assistance process, the portion of rail line extending between 19th Street and 24th Street. Union Pac. R.R.—Aban. Exemption—in Lancaster Cnty., Neb., AB 33 (Sub-No. 112X) (STB served Jan. 16, 1998).<sup>2</sup> At the time of LLC’s purchase, a NITU under the National Trails System Act, 16 U.S.C. § 1247(d), was in place for two portions of UP’s Lincoln Branch: between 24th Street and the end of the line near 35th Street and between 18th Street and 19th Street. 2004 Decision, AB 33 (Sub-No. 112X), slip op. at 1. Subsequent decisions extended the NITU negotiation period until June 10, 2001, and the City and UP entered into an interim trail use/rail banking agreement for those two portions of the right-of-way. Id. A few years later, at the request of the City, the

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<sup>1</sup> The Board’s September 24, 1997, decision identified the end of the Lincoln Branch as milepost 492.88 near 33rd Street; the City subsequently clarified, however, that milepost 492.88 is located near 35th Street. See Union Pac. R.R.—Aban. Exemption—in Lancaster Cnty., Neb. (2004 Decision), AB 33 (Sub-No. 112X), slip op. at 1 n.1 (STB served Mar. 15, 2004).

<sup>2</sup> It appears that this portion of the rail corridor may connect with a rail line owned by the Omaha, Lincoln & Beatrice Railway Company (OL&B). See City of Lincoln—Pet. for Declaratory Ord., FD 34425, slip op. at 1 (STB served Aug. 12, 2004).

NITU was vacated with respect to the portion of the line between 30th Street and the end of the line near 35th Street, and UP subsequently consummated the abandonment of that portion. Id.; see also UP Letter 1, Apr. 9, 2004, Union Pac. R.R.—Aban. Exemption—in Lancaster Cnty., Neb., AB 33 (Sub-No. 112X).

Based on the description of the Line provided by LLC and on the Board's records, it appears that the proposed abandonment of the Line by LLC, if consummated, could isolate the segment of track between 24th Street and 30th Street (the 24th Street Segment) from the interstate rail network. As described above, the 24th Street Segment appears to be rail banked. See 2004 Decision, AB 33 (Sub-No. 112X), slip op. at 1. Rail banked lines remain within the Board's jurisdiction and within the interstate rail network and cannot be treated as abandoned under the Trails Act. See, e.g., GNP RLY, Inc.—Aban. Exemption—in King Cnty, Wash., AB 1316X, slip op. 1 (STB served Apr. 11, 2022); 16 U.S.C. § 1247(d).

LLC will, therefore, be directed to file a supplement addressing whether the proposed abandonment would leave the railbanked 24th Street Segment stranded and, if so, how that would affect LLC's abandonment exemption request. See, e.g., Elk River R.R.—Aban. Exemption—in Kanawha & Clay Cntys., W. Va., AB 1314X, slip op. at 3-4 (STB served Mar. 25, 2022) (rejecting verified notice of exemption because it would have resulted in a stranded segment). If LLC believes that the proposed abandonment will not result in a stranded segment, in addition to providing information and/or evidence supporting that position, it must file an amended verified notice and amended Environmental and Historic Report (E&H Report) remedying the other deficiencies described below in order for the proceeding to move forward.

*Line Length Inconsistencies.* LLC's verified notice contains inconsistent descriptions regarding the length of the Line proposed for abandonment. Specifically, the verified notice describes the Line as totaling approximately 2,061 linear feet, (LLC Notice 2), while the E&H Report that LLC filed as an exhibit to its verified notice states that the Line is approximately 0.07 miles in length, (LLC Notice, Ex. B ¶ 1), which equals approximately 369.6 feet. Accordingly, for this notice proceeding to continue, LLC will be required to clarify the length of the Line. If the description of the Line in the E&H Report that LLC filed with its verified notice is incorrect, LLC shall file in both its amended verified notice and amended E&H Report the correct Line length.

*Missing Information.* LLC's verified notice and environmental report are missing information required by 49 C.F.R. § 1152.50, which governs exempt abandonments, and 49 C.F.R. part 1105, which governs the environmental review process. As detailed below, the omissions in the verified notice and E&H Report must be remedied via an amended verified notice and amended E&H Report for this notice proceeding to continue.

First, it appears that LLC did not notify the requisite agencies of its proposed abandonment in writing at least 10 days prior to filing its verified notice with the Board, as required under 49 C.F.R. § 1152.50(d)(1). LLC also failed to certify to the Board that such notice has been provided. 49 C.F.R. § 1152.50(d)(2).

Second, LLC did not provide information required by § 1152.50(d)(2). LLC's verified notice omits the name, title, and address of the applicant's representative to whom correspondence should be sent; the United States Postal Service ZIP Codes through which the Line traverses; the proposed consummation date; and the applicable level of labor protection to be applied to the proposed transaction. See 49 C.F.R. § 1152.50(d)(2) (referring to 49 C.F.R. § 1152.22(a)(7)-(8)). Further, while LLC does provide a map of the Line, the map does not show the Line's "relation to other rail lines in the area." See 49 C.F.R. § 1152.50(d)(2) (referring to 49 C.F.R. § 1152.22(a)(4)). As noted above, it appears that the Line may connect to the national rail network through a connection with OL&B. LLC must submit a revised map that clearly identifies the location of that connection, if it exists, and any other connection to the national rail network.

Third, LLC did not certify, as required by 49 C.F.R. § 1105.12, that it published a notice of the proposed abandonment in a newspaper of general circulation in each county in which the Line is located. The Board's regulations require that such notice alert the public to the proposed abandonment, outline available reuse alternatives, and provide instruction on how the public may participate in the abandonment proceeding. 49 C.F.R. § 1105.12. Certification that this requirement has been met must be provided to the Board. Id. A sample notice is provided in appendix A to part 1105.

Fourth, pursuant to 49 C.F.R. § 1105.7(e)(1), an E&H Report must include, among other things, the planned disposition, if any, of the rail line and other structures involved in the proposed abandonment (which includes any proposed salvage activities), and any anticipated changes in current operations or maintenance practices. LLC's E&H Report does not include this required information; thus, LLC must amend its E&H Report to include the information required under 49 C.F.R. § 1105.7(e)(1).

Finally, under the Board's regulations, LLC must serve its E&H Report on appropriate agencies at least 20 days in advance of filing a notice of exemption. 49 C.F.R. §§ 1105.7(b), 1105.8(c). Applicants must also certify to the Board that the report has been provided to those agencies and that all appropriate agencies have been consulted in preparing the report. 49 C.F.R. § 1105.7(c). The appendix to 49 C.F.R. § 1105.11 provides a template of the letter that should be used in transmitting the report. The transmittal letter provides agencies with a description of the proposed abandonment and ensures that agencies know about the tight statutory and regulatory deadlines imposed on the Board for processing verified notices of exemption for abandonment, and when and how to provide feedback on the report to the Board. See Allegheny Valley R.R.—Aban. Exemption—in Allegheny Cnty., Pa., AB 1233 (Sub-No. 2X), slip op. at 2 (STB served Apr. 2, 2024); see also 49 C.F.R. § 1105.11 app. LLC did not fully comply with these requirements.<sup>3</sup> In light of the missing information in the E&H Report and in order for this

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<sup>3</sup> While LLC's verified notice indicates that it served some of the required agencies with the E&H Report, LLC has failed to certify that it served copies of its combined E&H Report on the U.S. Fish and Wildlife Service, the National Park Service, the Natural Resources Conservation Service, and the National Geodetic Survey. Further, while it appears that the Lancaster County Board of Commissioners was notified of the proposed abandonment, the Mayor's Office for the City of Lincoln does not appear to have been served. See § 1105.7(b)

notice proceeding to continue, LLC must serve an amended E&H Report on all the parties listed in 49 C.F.R. §§ 1105.7(b) and 1105.8(c), including any who were previously served,<sup>4</sup> and certify to the Board that all required agencies have been served and consulted, 49 C.F.R. § 1105.7(c). LLC's certification should include a list of the agencies it served and a copy of the transmittal letter(s).

Thus, as discussed above, for this notice proceeding to continue, LLC must provide the missing information detailed in this decision. LLC will therefore be directed to: (1) notify the requisite agencies of its proposed abandonment in writing and certify to the Board that it has done so, as required by 49 C.F.R. § 1152.50(d)(1)-(2); (2) file an amended verified notice that includes the correct Line length and provides all the information required by 49 C.F.R. § 1152.50(d)(2), including a revised map that clearly identifies the location of any connections to the national rail network in accordance with 49 C.F.R. § 1152.50(d)(2); (3) fulfill the publication and certification requirements in 49 C.F.R. § 1105.12 (newspaper notice); (4) file with the Board an amended E&H Report that includes the correct Line length and the planned disposition, if any, of the rail line and other structures involved in the proposed abandonment (which includes any proposed salvage activities), and any anticipated changes in current operations or maintenance practices, in accordance with 49 C.F.R. § 1105.7(e)(1); and (5) serve its amended E&H Report on the appropriate agencies, as required by 49 C.F.R. §§ 1105.7(b) and 1105.8(c) and certify to the Board that it has done so and that all appropriate agencies have been consulted in preparing the report, as required by 49 C.F.R. § 1105.7(c). As noted above, LCC must provide the appropriate agencies with at least 20-days' notice of the E&H Report before it files its amended verified notice with the Board.<sup>5</sup>

In light of the foregoing, the proceeding, including environmental review, will be held in abeyance, and the effective date of the exemption will be postponed until further order of the Board. LLC will be directed to file a supplement addressing the stranded segment issue, and if necessary, an amended verified notice of exemption and an amended E&H Report, as described in this decision.

It is ordered:

1. This proceeding, including the environmental review, is held in abeyance, and the effective date of the exemption is postponed until further of the Board.

2. LLC is directed to file a supplement addressing the stranded segment issue. If LLC

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(requiring service on the head of each county (*or comparable political entity* including any Indian reservation) *through which the line goes* (emphasis added)).

<sup>4</sup> Service of the amended E&H Report on all agencies, even those served before, will be required given the omissions, inconsistencies, and apparent lack of transmittal letter in the original report.

<sup>5</sup> Questions concerning the Board's procedural requirements may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance, which can be reached by telephone at (202) 245-0238 or email at [rcpa@stb.gov](mailto:rcpa@stb.gov).

believes that its proposed abandonment will not result in a stranded segment, it is directed to file an amended E&H Report and an amended verified notice of exemption, as described in this decision.

3. This decision is effective on its service date.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.