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SERVICE DATE - SEPTEMBER 10, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 124X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--
IN SEDGWICK COUNTY, KS

Decided: September 9, 1998

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments and Discontinuances of Service and Trackage Rights to abandon and discontinue service over a 0.56-mile line of railroad on the Midland Valley Industrial Lead extending from the end of the line at milepost 312.09 to milepost 312.65 in Wichita, Sedgwick County, KS. Notice of the exemption was served and published in the Federal Register on August 14, 1998 (63 FR 43751). The exemption is scheduled to become effective on September 13, 1998.

On July 9, 1998, UP filed a petition for exemption from the requirements of 49 U.S.C. 10904 (offers of financial assistance) (OFAs) and 49 U.S.C. 10905 (public use conditions).¹ The August 14 notice stated that requests for OFAs had to be filed by August 24, 1998, and that requests for public use conditions had to be filed by September 3, 1998. The Board's records indicate that no OFAs or requests for a public use condition have been filed in this proceeding. Therefore, the petition is now moot and will be dismissed.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The petition for exemption from the requirements of 49 U.S.C. 10904 and 10905 is dismissed.

¹ The notice that was served and published on August 14, 1998, indicated that the merits of the petition would be addressed in a subsequent Board decision.

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2. This decision is effective on its service date.

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

Vernon A. Williams
Secretary