

223314



Mack H. Shumate, Jr.
Senior General Attorney, Law Department

August 19, 2008

E-Filing

Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423

CLARIFICATION

RE: Union Pacific Railroad Company - Abandonment Exemption - in
Osborne and Rooks Counties, KS (Osborne to Stockton); 223314
Docket No. AB-33 (Sub-No. 269X)
Kyle Railroad Company - Discontinuance Exemption - in Osborne and
Rooks Counties, KS (Osborne to Stockton);
Docket No. AB-486 (Sub-No. 4X)

and

Union Pacific Railroad Company - Abandonment Exemption - in
Osborne and Smith Counties, KS (Downs to West of Portis); Docket
No. AB-33 (Sub-No. 270X) 223315
Kyle Railroad Company - Discontinuance Exemption - in Osborne and
Smith Counties, KS (Downs to West of Portis); Docket No. AB-486
(Sub-No. 5X) 223316

Dear Ms. Quinlan:

The purpose of this filing is to clarify for the record in the above-referenced Notices of Exemption ("Abandonments") the extent and applicability of the comments of the Kansas State Historical Society ("KSHS") concerning said Abandonments.

The first letter from the KSHS dated June 12, 2008 covers the Notices of Exemption for the Osborne to Stockton Line, (the "Lenora Branch Line"), AB-33 (Sub-No. 269X) and AB-486 (Sub-No. 4X). This letter provides in part that the KSHS Officer has determined that the Lenora Branch Line and associated track structure was not eligible for listing in the National Register and that the project could proceed. However, it was with the understanding that only the potentially historic stone trestle supporting the bridge at M.P. 542.2 would remain standing. As

Honorable Anne K. Quinlan
August 19, 2008
Page 2

AB-33 (Sub-No. 269X)

AB-33 (Sub-No. 270X)

far as the KSHS was concerned, the rest of the Lenora Branch Line could be salvaged.

This letter was clarified and superseded by the KSHS letter dated July 18, 2008. Specifically upon further review, it was determined that the stone trestle located at M.P. 542.2 on what is termed as the Lenora Branch Line may be potentially eligible for listing on the National Register and additional information will be required to make that determination. Union Pacific is in the process of providing the additional photos of the stone trestle and the surrounding stone wall and all historic information available at its disposal to the KSHS so that a final determination can be made and completion of the Section 106 process with regard to this bridge finalized. All other bridges on the Line, and the Line itself, have no outstanding 106 requirements.

In addition, the July 18, 2008 letter from the KSHS covers the Downs to West of Fortis Line (the "Downs Line"), specifically AB-33 (Sub-No. 270X) and AB-486 (Sub-No. 5X). The KSHS Officer has determined that there are no historic structures on the right-of-way which makes up the Downs Line. Therefore, the July 18, 2008 KSHS letter, which specifically refers to both Abandonment projects, finds that there are no historic structures on the Downs Line.

Therefore, Union Pacific respectfully requests that the Environmental Section of the Surface Transportation Board acknowledge satisfaction of the Section 106 process for the Downs Line, specifically AB-33 (Sub-No. 270X) and AB-486 (Sub-No. 5X), and condition only the Notice of Exemption abandonment for the Lenora Branch Line, specifically AB-33 (Sub-No. 269X) and AB-486 (Sub-No. 4X) as to the stone trestle located at M.P. 542.2 on said right-of-way.

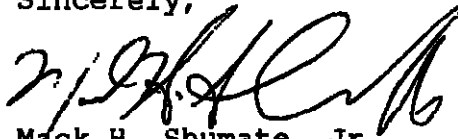
The Union Pacific understands that no salvage activities may be undertaken on the Lenora Branch Line until the Section 106 condition on that Line is complete. However, Union Pacific desires to salvage the track material and consummate the abandonment on the Downs Line, specifically AB-33 (Sub-No. 270X) and AB-486 (Sub-No. 5X), subject to any other applicable conditions, but with the understanding that the Section 106 process has in fact been satisfied with regard to the Downs Line based on the July 18, 2008 letter from the KSHS.

Honorable Anne K. Quinlan
August 19, 2008
Page 3

AB-33 (Sub-No. 269X)
AB-33 (Sub-No. 270X)

Both the June 12, 2008 and July 18, 2008 letters from the KSHS are attached hereto as Exhibits 1 and 2, respectively, and are hereby made a part hereof.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mack H. Shumate, Jr.', written over a horizontal line.

Mack H. Shumate, Jr.
Senior General Attorney

KANSAS

KSR&C No. 08-06-127

Kansas State Historical Society
Jennie Chinn, Executive Director

KATHLEEN SEBELIUS, GOVERNOR

June 12, 2008

Louis Gitomer
The Adams Building, Suite 301
600 Baltimore Avenue
Towson, MD 21204-4022

Re: Union Pacific Railroad Company Abandonment Exemption and Kyle Railroad Company Discontinuance
Exemption of Osborne to Stockton Line - Osborne and Rooks Counties

Dear Mr. Gitomer:

We have reviewed the materials received June 9, 2008 regarding the above-referenced project in accordance with 36 CFR Part 800. The role of the State Historic Preservation Officer (SHPO) in reviews of this nature is to comment on whether or not an undertaking involving the use of federal funds will have an adverse effect on a historic property or a property eligible for listing in the National Register of Historic Places. The SHPO has determined that the rail line and associated track is not eligible for listing in the National Register, and as far as this office is concerned, the project may proceed. However, it is the understanding of this office that the historic trestles will remain standing. Additional review will be required if any historic trestles are to be removed or altered.

Thank you for giving us the opportunity to comment on this proposal. Please refer to the Kansas State Review & Compliance number (KSR&C#) listed above on any future correspondence. Please submit any comments or questions regarding this review to Kim Norton at 785-272-8681, ext. 225.

Sincerely,
Jennie Chinn
State Historic Preservation Officer



Patrick Zollner
Director, Cultural Resources Division
Deputy State Historic Preservation Officer

KANSAS

KSR&C No. 08-06-146

Kansas State Historical Society
Jennie Chinn, Executive Director

KATHLEEN SEBELIUS, GOVERNOR

July 18, 2008

Mr. Ray Allamong
Union Pacific
1400 Douglas Street
Mail Stop 1350
Omaha, NE 68179

Re: Union Pacific Railroad – Abandonment Exemption of Lenora Branch Line between Downs and Portis in Osborne and Smith Counties and Abandonment Exemption of Osborne to Stockton Line in Osborne and Rooks Counties

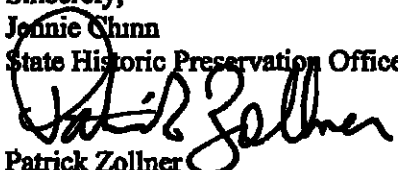
Dear Mr. Allamong:

We have reassessed the materials received June 9 and June 11, 2008 regarding the above-referenced projects in accordance with 36 CFR Part 800. The role of the State Historic Preservation Officer (SHPO) in reviews of this nature is to comment on whether or not an undertaking involving the use of federal funds will have an adverse effect on a historic property or a property eligible for listing in the National Register of Historic Places. The SHPO has determined that the rail line and associated track, trestles, and culverts with the exception of the stone trestle located at Mile 542.2 on the Lenora Branch Line, are not eligible for listing in the National Register, and as far as this office is concerned, the project may proceed.

Our office has determined that the trestle at Mile 542.2 may be potentially eligible for listing on the National Register and we are requesting more information at this time. Please provide additional photos of the trestle and surrounding stone wall and any historical information that is available. Please advise if the stone wall will be retained should the trestle be removed.

Thank you for giving us the opportunity to comment on this proposal. Please refer to the Kansas State Review & Compliance number (KSR&C#) listed above on any future correspondence. Please submit any comments or questions regarding this review to Kim Norton at 785-272-8681, ext. 225.

Sincerely,
Jennie Chinn
State Historic Preservation Officer


Patrick Zollner
Director, Cultural Resources Division
Deputy State Historic Preservation Officer